

**Minutes for the Seminole County LPA/ P&Z Commission
Wednesday, June 4, 2003**

Members present: Alan Peltz, Chris Dorworth, Ben Tucker, Thomas Mahoney, and Dudley Bates

Members absent: Dick Harris, and Beth Hattaway (Commissioner Peltz was not present at the meeting during the hearing on Item H.)

Also present: Denny Gibbs, Planner, Michael Rumer, Planner, Jeff Hopper, Senior Planner, Kathy Fall, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant

The Chairman called the meeting to order at 7:00 P.M. and a quorum was established. The Chairman then read to the audience the method in which the meeting would be conducted.

Commissioner Bates made a motion to accept the proof of publication.

Commissioner Peltz seconded the motion.

The proof of publication was accepted by unanimous vote. (5-0)

The minutes of the previous meeting were approved by unanimous vote.

Commissioner Mahoney announced that item K – Lake Jesup Woods (PZ01-09) has an incomplete application.

Commissioner Mahoney made a motion to move item K - Lake Jesup Woods (PZ01-09) to the July 16, 2003 meeting's agenda.

Commissioner Dorworth seconded the motion.

The motion passed by unanimous approval (5 - 0). Item K on the agenda was continued to the July 16, 2003 meeting.

- A. Sandy Lane Reserve (PSP); Signature Development Corp / CPH Engineers, Inc;** approximately 9.6 acres; Preliminary Subdivision approval for 16 Lots, Single Family Residence, zoned R-1AAAA and R-1AAA; located 800 feet south of Sand Lake Road. (03-05500010)
District 3 - Commissioner Van Der Weide
Denny Gibbs, Planner

Denny Gibbs presented the plans and said that the interior road would be a public right of way. Staff recommendation was for approval.

Commissioner Mahoney read into the record the comments about this application made by School Board Representative Dianne Kramer:

- Items VI A, B, and C are all preliminary subdivision plans.
Please confirm that sidewalks are provided throughout the development and along the road frontage. Ideally, they should connect to the closest existing sidewalk.

Commissioner Mahoney made a motion to recommend approval of the PSP.

**Commissioner Peltz seconded the motion.
The motion passed by a motion of 5 – 0.**

Chairman Tucker noted that item I, W. Lake Brantley Rezone, was requested for continuance to the July 9, 2003 meeting.

Commissioner Mahoney made a motion to continue Item I, W. Lake Brantley Rezone to the July 9 meeting.

**Commissioner Dorworth seconded the motion.
The motion passed with a vote of 5 – 0.**

B. ADDISION PLACE (PSP); CENTEX HOMES OF ORLANDO/ MADDEN; approximately 9.74 acres; Preliminary Subdivision Approval for 28 Lots, Single Family Residence, zoned R-1A; located at 4475 & 4429 Dike Road (03-05500006)
Commissioner Maloy – District 1
Denny Gibbs, Planner

Denny Gibbs stated that staff recommendation was for approval.

Commissioner Tucker asked what was happening with the fence.

Ms. Gibbs stated that the fence would be dealt with at the time of site plan approval.

Commissioner Mahoney made a motion to recommend approval for the PSP.

**Commissioner Bates seconded the motion.
The motion passed by unanimous vote (5 – 0).**

C. The Preserve At Interlachen (PSP), Consul-Tech

Engineering, applicant; approximately 8.86 acres;
Preliminary Subdivision Plan with 9 Lots; zoned R-1A (Single Family Dwelling District); east side of Lake Howell Road, .75 mile south of Howell Branch Road, on the east side of Dover Road.

Commissioner Henley – BCC District 4

Michael Rumer, Planner

Michael Rumer stated that reapproval was necessary because the original application had not been acted upon within 2 years. It had originally been approved by the P&Z. Staff recommendation is for approval.

Commissioner Tucker asked if this project was being done in conjunction with any other project.

Mr. Rumer said that this was not affiliated with any other project.

Commissioner Mahoney made a motion to recommend a 2 year extension of approval of the PSP.

Commissioner Bates seconded the motion.

The motion passed by unanimous approval.

D. Mikler / Chapman Road PUD; Whitemark Homes / Bill

Rigsby, applicant; approximately 46 acres; rezone from A-1 (Agriculture) to PUD (Planned Unit Development) for single family residential subdivision; located on the northeast corner of Mikler Road and Chapman Road. (Z2003-010)

Commissioner Maloy – District 1

Jeff Hopper, Senior Planner

Jeff Hopper outlined the following major points concerning the application:

1. The applicant proposes to develop 82 lots on the subject property at a density of 2.7 units per net buildable acre.
2. The Preliminary PUD plan shows a typical lot size of 50' x 110'. Minimum house size would be 1100 s.f.
3. Access into the site will be from Mikler Road on the west and Chapman Road on the south. A total of 11 lots would have direct access to Chapman Road.
4. The site contains several acres of wetlands and a borrow pit which will become a water amenity for the project. There would be approximately 25 waterfront lots.

5. Surrounding zoning is Agricultural to the west and south, R-4 to the north. Future land use in the area is Low Density Residential to the west, High Density Residential to the north, and Suburban Estates to the south.

Staff recommends APPROVAL of the request, subject to conditions listed in the Staff Report, including the following:

- Appropriate transitioning of lot sizes adjacent to the Suburban Estates future land use to the south.
- No lots should have direct access to Mikler Road or Chapman Road except for those not fronting on internal streets. Double frontage lots should have a 6-foot brick or masonry wall along the rear lot line.
- Platted lots should not encroach on water features.

Steve Mellich said that he agreed with the staff conditions except for number 9, which said that the developer will dedicate a 20 foot right of way. And on number 4, Mr. Mellich stated that the language proposed came from the Butler Ridge case. He is providing a 50 foot right of way on the entire south side. The masonry wall will be on the southwest side. On condition number 1, Jeff Hopper said the staff recommendations are being modified to exclude Mikler Road lots from the minimum width and size requirements.

Mr. Mellich addressed the presence of trees in the right of way. There will be a 50 foot right of way with Lots 8 to 14 having a 6 foot masonry wall.

Virginia Mikler stated that she is the nearest neighbor and that she is pleased with the plan.

Phil Lukas owned 17 acres in the area and is concerned with the 50 foot setbacks being in alignment with the rural character of the area. He is not opposed, but would like to see the rural character of the area maintained.

Commissioner Mahoney asked about the setbacks on the 75 foot wide lots.

Mr. Hopper stated that there would be 5 feet setbacks on the side.

Mr. Lukas stated that he would not have a buffer for his property.

Commissioner Tucker inquired about the presence of trees in the buffer.

Mr. Lukas said that he was not sure of the location of trees. He would like a buffer in front. With the borrow pit, substation and the large power lines, and the Expressway, the area has changed.

Jim Potter from the Development Review Division stated that there is a water main extension going through to the Butler Ridge subdivision.

Lee Nelson said that he owns 10 acres on the southwest corner. He was concerned about who would put in the sidewalks to go to the Rainbow Elementary School.

Mr. Mellich said that Whitemark Homes representatives met with Phil Lukas. The traffic study indicates that the traffic light is not required.

Commissioner Mahoney stated that 70 percent of the traffic turns up Mikler.

Mr. Mellich said that in Development Review Committee it was stated that sidewalks will be built up on Mikler and tie up with the adjacent subdivision. All sidewalks will be on the east side.

Commissioner Tucker said that other area sidewalks are on the west side.

Mr. Mellich agreed.

Commissioner Mahoney read the comments of Dianne Kramer of the Seminole County School Board office concerning this request:

- Item VI D will add 82 single family homes and generate approximately 20 elementary students, 9 middle school students, and 10 high school students. The actual impact should be minimal and the project location is in an area that has more capacity than most attendance zones in the county. The schools that currently serve this area are as follows:

Rainbow Elementary	764 enrollment	3 portables
Tuskawilla Middle	1121 enrollment	8 portables
Lake Howell High	1944 enrollment	no portables;

currently under-enrolled

Capacity at the elementary level will added effective school year 2004 / 05. Tuskawilla is also being expanded and will have additional capacity when the project is completed in 2006. Again, the project should provide sidewalks for safe pedestrian access to schools and bus stops.

Jim Potter of the Development Review Division stated that he was not aware of any sidewalks issues at this time.

Commissioner Tucker asked Mr. West what was happening with the site that currently has a driving range.

Mr. West said that the driving range site will be coming up in July as a proposed site for a Wal Mart Supercenter.

Commissioner Tucker asked Mr. West whether it was possible to require sidewalks on Mikler Avenue and if they would be continuous.

Mr. West said that an argument could be made for them, but that there were intervening pieces of property in the area along the road.

Commissioner Mahoney said that all lots along Chapman would be 75 feet wide and all other lots would be 50 feet minimum. He then asked Mr. Hopper what the next step up in size classification required.

Mr. Hopper said that 90 feet would be the next step up.

Mr. West said that the next size was 11,700 square feet lot size with 90 foot width. One would have to eliminate every third lot.

Steve Mellich said that if you made the lots 75 feet, he would lose 3 lots.

Commissioner Tucker asked if the applicant was going to have 1,100 square foot homes.

Commissioner Mahoney stated that the county needs smaller lots. This is a good place to have smaller lots. Lots 72 to 82 could be wider. If you want an appropriate transition, increase the side setback. This is a PUD. The Commissioner said that he would be happy with a 70 foot lot and 10 foot side setbacks. The 50 foot lots would have 5 foot side setbacks, except for lots on the north side of Chapman.

Mr. Mellich said that the average house size is 1,800 square feet. He would commit to 1,600 square feet. He would like a 15 foot street side setback on the 4 lots at the entrances. (Item 4 in staff report)

Mr. Hopper said that there were 20 foot front setbacks, and along internal streets, setbacks at the project entrances would be inconsistent with an otherwise uniform street setback.

- Item 1: Lots abutting Chapman Road east of the subdivision entrance shall be no less than 75 feet in width and 8,000 square feet in size, with minimum side setbacks of 10 feet
- Item 4: 15-foot side street setback on all corner lots for residential units, accessory buildings and pool screen enclosures
- Item 5: Minimum house size of 1,600 square feet
- Item 9: Developer shall dedicate sufficient right-of-way on Chapman Road to meet County standards, as determined at Final Master Plan review

Commissioner Mahoney made a motion to approve the request, incorporating the conditions in the staff report and those amendments just stipulated.

Commissioner Dorworth seconded the motion.
The motion passed with unanimous approval.

E. Wash N Roll Carwash; Dean Shoemaker, applicant; 0.91
acre. Rezone from C-1 (Commercial) to PCD (Planned Commercial Development); located 400 feet west of the intersection of Red Bug Lake Road and Tuskawilla Road and 200 feet north of Red Bug Lake Road. (Z2003-016)
Commissioner Maloy - District 1
Jeff Hopper, Senior Planner

1. The applicant requests approval of a car wash facility on a vacant commercial parcel to the west of the Eckerd store at the corner of Tuskawilla and Red Bug.
2. As the proposed use is not allowable in the existing C-1 zoning, approval of a car wash as a Planned Commercial Development is being requested.
3. As a PCD, use of the site could be limited to the car wash facility without allowing other uses permitted in the less restrictive C-2 zone.
4. As the property backs up to the Tuskawilla Point subdivision, staff's primary concern is compatibility with the existing residential use to the west.
5. Neighboring commercial uses to the north and south are a bank and an office complex, uses that don't typically generate much activity at night and on weekends.
6. A car wash can be a more intensive use, where automated wash equipment and vacuums may be running at all hours.
7. If the request is approved, substantial site design standards should be considered to ensure compatibility with the nearby residential properties.

Staff recommends APPROVAL of the request, subject to conditions listed in the Staff Report. These include the following:

- Operating hours shall be limited to 7 a.m. to 9 p.m.
- The facility shall be manned during business hours, with fencing and access gates to prevent entry after business hours.
- Buildings shall be set back at least 100 feet from the west property line.
- Structures shall be designed in a residential architectural style with hip or gable roofs.
- Outdoor sound amplification shall be prohibited

Mr. Hopper stated that as a PCD the car wash could be allowed with adequate design criteria to ensure compatibility. If approved, Mr. Hopper outlined recommended site restrictions as detailed in his staff report.

Dan Shoemaker said that he has not met with the neighbors. He showed pictures of a duplicate facility located on Rouse Road. Mr. Shoemaker stated that he would like to have the hours of operation go to 11 P.M., rather than 9 P.M. He stated that this is a self-serve carwash. He agreed to the architectural requirements.

Robert Madison is president of the condo association of the office buildings that lie to the north. Next door is a bank and a dentist. This is not in keeping with the neighborhood. There is no public right of way to this parcel. C-1 zoning could be an office or restaurant. They do not want a carwash there. He stated that there are already 2 carwashes in the area.

Sally Luken stated for the record that she is opposed to the project.

Roger Van Sak of 1340 Tuskawilla Road, Suite 112, said that this project looks trashy. It will create a decline in the neighborhood. The lot is too small for the proposed use. 11 P.M. is too late to have it open.

Felice Muniz of 47 Huckleberry Lane stated that she lives directly behind the site and that this would be right by her bedroom. She already has problems with noise and people there at night.

Mr. Shoemaker stated that the site has proper access and there is a traffic light there. The hours of operation could be investigated and the site is large enough.

Commissioner Peltz stated that he lives in the area and that he feels that this is not an appropriate use.

Commissioner Mahoney agreed with Commissioner Peltz' opinion. He stated that this is not the best location for this type of project. It should be on a fronted road. This is a fairly intense use to be abutting housing.

Commissioner Mahoney made a motion to recommend denial.

Commissioner Peltz seconded the motion.

The motion passed by unanimous vote (5 - 0).

- F. Hester Avenue Rezone; Jim Cooper, applicant; 17 acres; rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District); located on the west side of Hester Avenue, ¼ mile**

south of Ronald Reagan Boulevard. (Z2003-013)
Commissioner McLain - District 5
Jeff Hopper, Senior Planner

1. Jeff Hopper stated that the staff recommendation was for approval. The applicant is seeking to develop a single family subdivision consisting of approximately 45 lots on the subject property, and is requesting R-1A zoning to permit such a development.
2. Actual lot yield and lot sizes will be determined through the platting process if the rezoning is approved. The R-1A district allows lots at a minimum size of 9,000 square feet.
3. As the site is bordered on 3 sides by Agricultural zoning and by R-1AAA on the 4th side, compatibility with lower density properties is somewhat of a concern.
4. Allowable density drops to 1 unit per acre under Suburban Estates in much of the area south of the railroad tracks.
5. However, the Vision 2020 Plan does allow consideration of up to 4 units per acre on the applicant's property and most neighboring lots as well.
6. It should also be pointed out that the existing Autumn Chase subdivision was developed in R-1A at a greater distance from CR 427 and utility sources.

Jim Cooper stated that he agreed with Mr. Hopper's staff report.

Nancy Jasmine, Jean Michaels, and Lolie DeHaven all submitted comment sheets voicing their objection to the application.

Commissioner Mahoney read the comments concerning this application from Dianne Kramer of the Seminole County School Board office into the record:

- Item VI F will add 45 single family homes and generate approximately 11 elementary students, 5 middle school students, and 6 high school students. The actual impact on the system should be minimal. The schools that currently serve this area are as follows:

Northeast Cluster for elementary

Hamilton	670 enrollment	11 portables
Pine Crest	680 enrollment	7 portables
Midway	407 enrollment	9 portables
Millennium Middle	1745 enrollment	8 portables
Seminole High	2596 enrollment	18 portables

No capacity improvements are currently planned for the northeast cluster until school year 2008 / 9. Capacity will be added at the middle school level in school year 2006/07. A 28 classroom building is currently under construction at Seminole High School and another high school in the Oviedo area will open in school year 2005/06. High school attendance

zones will be adjusted at that time.

Frances Lord of 4835 Hester Avenue said that she lives 200 feet from the subdivision. The area is agricultural and she does not want small houses there.

Danny DeCirian of North Lake Jesup Community, Inc., is vice president. He stated that in the last 2 years he had worked in Myrtle Street conservation area. He wanted to know why the conservation village concept was not being used here.

Lois DeCirian of 1581 Silk Tree Circle said that she would like to see a conservation village. She felt that 45 lots is too high a density for here.

Lois Dickerson stated that she is opposed to the project.

Alex Dickerson of 4851 Hester Avenue lives across from the proposed site and asked why this is located at the gates of the Myrtle Street study area. The estimates of students is not good. 45 homes will have young families. This is good land which drains down onto his land. He would like to see water retention on the site. He asked to have R-1AAA at least here. He was concerned about the traffic light or lack of one on Hester.

Peter Butt of 5906 Autumn Chase Circle was opposed to the application. Hester is a narrow road with no sidewalks. He suggested a lower density, not R-1A.

B.J. Simons of 1550 Myrtle Street owns 12 acres in the area and is concerned about runoff. Ditches have been cleaned out and it is not enough to deal with the water problem. Infrastructure should be put in before expanding in the area. It will be a mistake to have small, dense housing in this site.

Carol Rogier of 4850 Hester Avenue lives next door (on north side) to the parcel and will be boarding horses on her property. She has dogs, chickens, and horses on her land. She is concerned about the lack of fencing.

Mac Thorn of 1400 Myrtle Street is a North Lake Jesup Community member. He said that the conservation village concept had been agreed upon and this design is the opposite of that plan.

Jim Cooper said that the County Comprehensive Plan allows for 4 units per acre. It will have public utilities and will have a conservation easement. The site will retain a 25 year storm. The price point of the houses will be about \$200,000.00. He is not opposed to a 1,600 to 1,700 square foot minimum for house size. During the DRC meeting it was said that he must contribute to the placement of a traffic light.

There were no comments from the floor. The public hearing was now closed.

Commissioner Tucker asked Matt West if he knew how the school board got their figures that are used in the meetings.

Mr. West said that a figure was used from national or state averages, based on number of dwelling units. He added that traffic lights are determined by the county or state engineers. The county gets payment from the developer to pay for part of the light.

Commissioner Tucker asked about how the drainage would be addressed.

Mr. West said that according to the county code the rate of water discharged cannot be increased from the rate of discharge prior to development. This site is just outside of the Myrtle Street area. This is LDR (low density residential) and in the urban service area. Staff feels that this zoning with 9,000 square foot lots is appropriate.

Commissioner Mahoney stated that he could not see R-1AAA. He was in favor of R-1AA zoning, with 90 foot wide lots.

Commissioner Mahoney made a motion to recommend denial of R-1A zoning and to make the recommendation for R-1AA zoning to the BCC.

Commissioner Dorworth seconded the motion.

In discussion, Commissioner Mahoney said that 70 foot lots are quite different. He would like to see a 1,600 square foot minimum house size and R-1AA zoning in the area.

Commissioner Tucker stated the criteria of 11,700 square foot minimum lot size, and setbacks of 25 feet in front, 10 feet side setbacks, and rear yard setback of 30 feet.

Commissioner Mahoney said that R-1AA standards are bigger, with 3 homes per acre.

Mr. West said that there could be thirty-something lots with R-1AA zoning on 17 acres.

Commissioner Tucker said that this project averages out at 1.7 units per acre. Autumn Chase should not set the precedent.

Commissioner Tucker said that he did not have a problem with 2 units per acre.

The vote was called. The motion passed by unanimous approval.

- G. Red Bug Village;** Bradley D. Smith, applicant; Major Amendment to PCD (Planned Commercial Development) to allow liquor sales as a secondary use in restaurants; located on the NE Corner of Red Bug Lake Road and Dodd Road. (Z2003-017)
Commissioner Maloy – District 1
Jeff Hopper, Senior Planner

Jeff Hopper said that staff recommends approval of the requested PCD Major Amendment subject to the following conditions:

1. Liquor sales shall be permitted only as an incidental use within restaurants.
2. Pool halls and pool tables would be prohibited.
3. No liquor would be sold for consumption off-premises except beer and wine as incidental sales.
4. Restaurant hours of operation would conform to existing PCD restrictions of 7 a.m. – 11 p.m., with restaurants remaining open until 1 a.m. on Fridays and Saturdays.

Brad Smith, CEO of Stonecrest Investments, wants to allow liquor sales in the restaurant. He has agreed with the conditions of the staff report.

There were no comments from the floor. The public hearing was now closed.

Commissioner Peltz made a motion to recommend approval, subject to the conditions in the staff report.

Commissioner Mahoney seconded the motion.

The motion passed by unanimous vote. (5 – 0)

- H. Hawthorn Glen;** Daly Design Group / Thomas Daly, applicant; approximately 45.970 acres; rezone from UC to PUD for townhomes and commercial uses; located on the northwest corner of Old Lockwood Road and East McCulloch Road. (Z2003-012)
Commissioner Maloy – District 1
Kathy Fall, Senior Planner

Kathy Fall outlined the major points of the staff report and stated that the traffic study performed in the area indicated that this project was within the allowed parameters. Impact on schools in the area would be minimal. Staff recommendation was for approval with the conditions recommended in the staff report.

Ken Wright of Shutts and Bowen represented the property owner. He stated that he was concerned with the commercial tract. The application is for Medium

Density Residential (MDR), which is allowed by the County Comprehensive Plan. The corner will be neighborhood commercial, which is allowable. The County Comprehensive Plan provides for commercial uses imbedded in residential areas. The Comprehensive Plan table 2.1 allows for MDR to be adjacent to neighborhood residential. One of the neo-traditional elements of Baldwin Park's smart growth is to imbed commercial uses in residential to reduce trips outward.

John Polasek of 2731 Newark Way, Orlando, spoke on behalf of his parents, the property owners. He stated that his parents have owned the property since 1982. It had UC zoning then. UC zoning permits anything found in a university. When Future Land Use (FLU) changed in 1986, it was designated HIP. As far as he is concerned, UC zoning allowed the proposed uses. This townhouse project has less than 10 units per acre.

Thomas Daly, of Daly Design Group, Winter Park, represents Centex Homes. He stated that the corner piece will be retained by the Polasek family. The previous application on this site had been for student housing. Map 1 shows existing land uses. 7 different land uses are found in the area: 5 subdivisions, the Econ Wilderness Area, Tivoli and Northgate Apartments and a Winn Dixie. There is a commercial site with mixed uses. There are 4 schools in the area. The largest uses in the area are Seminole Community College and the University of Central Florida. UCF has plans to grow. SCC has plans to grow. There could be 7,500 employees of the two colleges with 100,000 students in this area. This proposed project addresses housing needs in this area.

Mr. Daly stated that he had met with people who had been active in the Portofino case. He had been told that neighbors want single family residential there. There had been no discussion of setbacks or buffers at this meeting.

Mr. Daly stated that this is a conceptual plan, with access aligned with University Estate. This will be the only vehicular access to the site. Centex Homes also did Aloma and Tuskawilla projects. The projected price point for this project is to be \$120,000. dollars with 1,300 to 1,500 square feet units. There will be a home owner association and will be deed restricted. There could be an addendum to the contract. Mr. Daly showed a contract from the Waterford Lakes area. Such an addendum could set minimum leases at 6 months and disallow leasing by the bedroom. Each purchaser would be approved by the home owners' association. Mr. Daly stated that Centex does not build student housing.

Mr. Daly stated that he concurred with staff recommendations. This is the last piece of HIP transitional land in Seminole County. Town homes and commercial uses have already been approved by this board. Mr. Daly stated that this project is two stories and buildings will be a maximum of 150 feet in length. It will have 15 percent impervious use. This has less impact than the formerly proposed student housing projects.

Mr. Daly stated that he had gotten e-mails indicating that many people thought that this parcel had been zoned for single family residential use. It is not currently.

Mr. Daly said that the project had been approved for concurrency by staff. The density proposed is medium density, not high density.

Commissioner Tucker stated that he had received 5 public comment forms from people in the audience who objected to the project, but did not wish to speak.

Mike Cole of 2516 Fawn Run stated that there are multi-family dwellings in the area, close in.

Tim Philips of 14945 Loughton Circle represented the home owners of University Estates. He stated that the proposed rezoning is not compatible with the Rybolt Property West. He was opposed to multi-family uses and stated that the Tivoli and Northgate apartments were over one mile away. He estimated that there would be approximately 679 bedroom units in this proposal.

Roman Kozarski of 3804 Beacon Tree said that he lives in Madison Park and is Vice President of the Carillon HOA, representing 833 homes. He asked for a recommendation of denial. He said that the proposal is incompatible with the Comprehensive Plan. It is close to a nature preserve. He acknowledged that the project serves a need, but the project should be located elsewhere.

John Keriazis of 14806 Faversham Circle stated that he was also opposed.

Ken Wright said that the County would never use the proximity to the Econ Wilderness Park as a reason for denial. He reiterated that the staff was in support of the request.

The public hearing was now closed.

Commissioner Tucker asked Mr. Matt West about flooding in the Econ Wilderness Area.

Mr. West said that the County is still studying the damage done recently in the area. Mr. West said that the proposed development will not impede drainage.

Jim Potter of the Seminole County Development Review Division stated that the site flows north to the Econ and has no adverse impact to the area. Drainage issues are to be addressed at the final engineering site plan stage.

Commissioner Mahoney asked Mr. Daly about the setbacks in the request.

Mr. Daly stated that the town homes have 40 foot natural buffers. The commercial will have buffering to be addressed in final engineering. The buildings will be 55 feet from the right of way. Emergency access may be onto Old Lockwood Road. He said that the site plan is a concept only. There will be a 30 foot wide landscape buffer on the west property line. The buildings shall be 175 feet from the west property line.

Commissioner Tucker asked about the density of the residential area.

Mr. Daly said that there would be 250 units, with 6 units per acre.

Commissioner Mahoney read the comments from School Board representative Dianne Kramer concerning this project:

- Item VI H will add 250 townhouses and generate approximately 29 elementary students, 13 middle school students, and 14 high school students. Although the actual impact may be minimal, multi-family residential school impact is very dynamic and difficult to predict. Rental units can have an especially dramatic impact. The schools that currently serve this area are as follows:

Carillon Elementary	995 enrollment	no portables
Chiles Middle	1158 enrollment	no portables
Oviedo High	2988 enrollment	12 portables

Capacity at the elementary level will added effective school year 2004/05, and a new high school will open in school year 2005/06 at the site of the current Chiles Middle School.

Commissioner Mahoney stated that he had been opposed to the last application for student housing. Student housing is designed specifically for students. Nothing about this is designed for students. Seminole County needs less expensive homes. This High Intensity Planned Development is one such place. These units are less than 150 feet in length and have no direct access onto Old Lockwood Road. This project is of lesser impact than the previous application.

Commissioner Mahoney made a motion to recommend approval for the rezone of the property from UC to PUD with the 12 staff recommendations and two more: 1) proposed contract restrictions introduced by Mr. Daly and 2) recommendation to increase buffering on Old Lockwood Road to 50 feet with a 20 ft. building setback.

Commissioner Bates seconded the motion.

The motion passed by a unanimous vote of 4 – 0. (Commissioner Peltz had left the meeting prior to the beginning of this item.)

- I. **W. Lake Brantley Road Rezone / J. David Free, applicant;** 0.75 acre; Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and rezone from R-1A to RP; located on the east side of West Lake Brantley Road, 300 feet north of SR- 436. (Z2003-015)
Commissioner Van Der Weide - District 3
Earnest McDonald, Principal Coordinator

Commissioner Mahoney made a motion to continue this item to the July 9, 2003 meeting.

**Commissioner Dorworth seconded the motion.
The motion passed by unanimous vote.**

- J. **Chuluota Rezone / Wilson & Company, applicant;** 1.0 acre; Rezone from R-3 (Multiple-Family Dwelling District) to R-2 (One and Two-Family Dwelling District); located on the northwest corner of West 5th Street and County Road 419 in Chuluota. (Z2003-019).
Commissioner Maloy - District 1
Cathleen Consoli, Senior Planner

Cathleen Consoli informed the Board that the 300 foot notification to adjacent property owners had not gone out in a timely manner. Staff had made hand deliveries and faxed notices to all owners. The newspaper legal ad and the placard had been posted in a timely manner.

The Commissioners unanimously decided that such notice, along with the newspaper ad and the placarding of the site gave adequate notice and that the application would be heard.

Deborah Shaffer sent a letter of approval.

Ms. Consoli stated that staff recommendation was for approval of the application. She said that a daycare center could be approved with the granting of a special exception and downzoning.

Parks Wilson stated that the building will be within Chuluota design standards. He had encountered no opposition from neighbors. There is a need for daycare in the area.

Michele Humphrey, future owner, stated that there was no existing child care facility in the area.

There were no comments from the audience.

The public hearing was now closed.

Commissioner Mahoney made a motion to recommend approval of the rezoning from R-3 to R-2.

Commissioner Bates seconded the motion.

The motion passed by unanimous approval (4-0).

K. Lake Jesup Woods; Harling Locklin & Assoc. / Hugh Harling; 81 acres; Large Scale Comprehensive Plan Amendment from Suburban Estates (SE) to Low Density Residential (LDR); (01F.FLU01); Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); south of Myrtle Steet, north of Cadillac Street, and east of Hester Avenue. (PZ01-09)

Commissioner McLain - District 5

Tony Walter, Principal Planner

This item had an incomplete application and was continued to the July 16, 2003 meeting. (See page 1 for details.)

There being no further business, the meeting was adjourned at 10:45 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson

MINUTES FOR THE SEMINOLE COUNTY LPA/P&Z COMMISSION
WEDNESDAY, JULY 9, 2003
6:00 P.M.

Members present: Ben Tucker, Beth Hattaway, Chris Dorworth, Alan Peltz

Members absent: Dick Harris, Dudley Bates

School Board Representative Present: Dianne Kramer

Also present: Matt West, Planning Manager, Earnest McDonald, Principal Coordinator, J.V. Torregrosa, Planner, Jeff Hopper, Senior Planner, Tony Matthews, Principal Coordinator, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

The meeting was called to order by the Chairman at 6:00 P.M. The meeting had been rescheduled because of the 4th of July holiday. A quorum was established.

Commissioner Peltz was absent for items A to G.

Commissioner Mahoney made a motion to accept the proof of publication.

Commissioner Dorworth seconded the motion.

The motion passed by unanimous vote. (4 – 0).

Matt West, Planning Manager, introduced a request from the applicant to continue item G on the agenda to the August 6, 2003 meeting:

F. Rockwell; John F. Rinehart / Glatting, Jackson, et al, applicant; 51.4 Acres; Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development); and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on Long Pond Road 0.6 mile east of Markham Woods Road, adjacent to west side of I-4 (03F.FLU02 and Z2003-016).

Commissioner McLain - District 5

Jeff Hopper, Senior Planner

Commissioner Mahoney made a motion to continue item G, Rockwell, to the August 6, 2003 meeting.

Commissioner Dorworth seconded the motion.

The motion passed with unanimous consent. (4 – 0).

Old Business

A. W. Lake Brantley Road SSFLU Amendment & Rezone; J. David Free, applicant; 0.70 acre; Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and Rezone from R-1A (Single-Family Dwelling District) to RP (Residential Professional District);

located on the southeast corner of West Lake Brantley Road and Magnolia Road, approximately 300 feet north of SR- 436. (04-03SS.05 / Z2003-015)

Commissioner Van Der Weide - District 3

Earnest McDonald, Principal Coordinator

Mr. McDonald summarized his staff report. He explained that one access drive would be provided for the 2 offices. He recommended approval with the setbacks, buffers and conditions outlined in the staff report.

David Free, applicant, stated that he would like to have a wood privacy fence in lieu of a concrete masonry wall. No other concrete walls exist in the area.

No one spoke from the floor about the application.

Commissioner Mahoney asked about wall substitution.

Mr. McDonald stated that the Code requires a masonry wall.

Commissioner Mahoney made a motion to recommend approval as put forth in the staff report.

Commissioner Dorworth seconded the motion.

The public hearing was now closed.

Commissioner Tucker asked about the trend of development in the area.

Mr. McDonald stated that this use was compatible with the trends of development in the area.

Commissioner Tucker stated that the wall to the east and north should be as Mr. McDonald recommended in the staff report.

The motion passed by unanimous approval. (4 – 0).

TECHNICAL REVIEW ITEMS

B. Springs PUD Minor Amendment; Maryse Lobean, applicant; minor amendment to the Springs PUD (Planned Unit Development District) to allow the encroachment of a ground sign into the required 50 FT buffer along Markham Woods Road; located on the northwest corner of the Markham Woods Road and State Road 434 intersection.

Commissioner Van Der Weide – District 3

Earnest McDonald, Principal Coordinator

Mr. McDonald explained the history of the previous intrusions into the buffer of the Springs PUD. This requested sign would also intrude into the buffer, but was well separated from other signs. Staff recommends approval as it is consistent with the trend of commercial signage in the area.

Commissioner Tucker stated that this issue was not a public hearing.

Commissioner Hattaway made a motion to recommend approval as stated in the staff report.

Commissioner Mahoney seconded the motion.

The motion passed by unanimous consent.

C. Hampton Estates (PSP); Florida Engineering Group, applicant;
approximately 3.12 acres; Preliminary Subdivision Plan approval for 26 Lot,
Single Family Residential; zoned R-1AA; Old Lockwood Road (03-05500019)
Commissioner Maloy – District 1
Cynthia Sweet, Planner

Cynthia Sweet introduced the preliminary subdivision plan for 26 single family lot. She stated that the only condition is the 2,100 square foot minimum house size. Staff recommendation was for approval.

There were no questions from the Board.

Commissioner Mahoney made a motion to recommend approval of the request as stipulated in the staff report, with the 2,100 square foot minimum house size to be included.

Commissioner Dorworth seconded the motion.

The motion passed with unanimous approval (4 – 0).

NEW BUSINESS (PUBLIC HEARINGS)

D. Trails Map Amendment; Amending the Greenways and Trails Master Plan of the Seminole County Comprehensive Plan.
Countywide
Cindy Matheny, Senior Planner

Cindy Matheny stated that staff recommendation was for approval of the text amendment.

Commissioner Tucker stated that the Natural Lands Committee, of which he is a member, has just recommended purchase of lands in conjunction with the presence of the trail in the eastern corridor of the County. He would not like the long eastern segment omitted.

Mr. West said that he will look into this matter and coordinate with Craig Shadrix.

Commissioner Mahoney made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed by unanimous consent. (4 – 0).

E. SB 1906 Ordinance; Ordinance to bring the terms of the Land Development Code of Seminole County and the Seminole County Code into compliance with Chapter 2002-296, Laws of Florida.

Countywide – All BCC Districts

Tony Matthews, Principal Planner

This item was moved to the end of the agenda.

Following the last agenda item, this item was introduced by Mr. Matthews.

There were no questions from the audience or the Commissioners.

Commissioner Mahoney made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed by a vote of 5 – 0.

Mr. West stated that there had been a problem with the public notice for four items scheduled to be heard on the July 16, 2003 special meeting. The Orlando Sentinel had failed to advertise our submissions. One of the applicants has stated that it would be a hardship for him to wait until the August meeting.

Commissioner Mahoney stated that he would prefer to cancel the meeting scheduled for the 16th and have a meeting on July 23rd instead.

Commissioner Mahoney made a motion to cancel the special meeting originally scheduled for July 16, 2003 and move it the July 23, 2003 at 6:00 P.M.

Commissioner Dorworth seconded the motion.

The motion passed with unanimous approval. (4-0).

F. Parker Rezone; George Parker, applicant; approximately .670 acres; rezone from A-1 (Agriculture) to R-1AAAA (Single Family Dwelling District); located on the west side of Hyde Park Drive on the cul-de-sac of Ash Park Loop, Winter Park.(Z2003-008)
Commissioner Maloy – District 1
J.V. Torregrosa, Planner

Mr. Torregrosa presented the request and location of the rezone and stated that the property must be rezoned in order to allow building.

Commissioner Mahoney made a motion to recommend approval of the request with R-1AAAA zoning.

Commissioner Hattaway seconded the motion.

The motion passed with unanimous consent (4 – 0).

G. Rockwell; John F. Rinehart / Glatting, Jackson, et al, applicant; 51.4 Acres; Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development); and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on Long Pond Road 0.6 mile east of Markham Woods Road, adjacent to west side of I-4 (03F.FLU02 and Z2003-016).
Commissioner McLain - District 5
Jeff Hopper, Senior Planner

This item was continued to the August 6 meeting by a vote held at the opening of the meeting.

Commissioner Peltz entered the meeting at this time.

H. Citrus Road Rezone And Land Use Amendment; Glatting Jackson/John Percy, applicant; approximately 36 acres; Large Scale Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential); and Rezone from A-1 (Agriculture) to R-1A (Single Family Residential); east side of Citrus Road, ½ mile north of Red Bug Lake Road. (Z2003-009) (03F.FLU01)
Commissioner Morris – District 2
Jeff Hopper, Senior Planner

Mr. Hopper stated that the staff recommendation was for approval with R-1AAA zoning on the northern tier of lots.

Dianne Kramer stated that this project will have a minimum impact on schools.

John Percy stated that there is a trail on the north side of the property.

M. Pevlakni stated that there are larger lots to the north. There is a serious water problem here. There is also a school crowding problem. There is a need for one acre lots.

Carol Medico said that she wanted a 50 foot buffer of trees. She also would like a 6 foot masonry wall.

Tracy Peffler stated that this area will be filled with children. The schools will be impacted. There is also major flooding here. She is concerned with wildlife and would like 2 homes per acre.

Adrian Starichuvich was opposed to further development in the area.

Commissioner Mahoney made a motion to recommend approval as per the staff report.

Commissioner Hattaway seconded the motion.

Commissioner Mahoney stated that the trend of development is to exceed minimum criteria for development. R-1A is compatible.

Matt West stated that this will probably be 2 to 2.5 units per acre, including the roads.

Commissioner Tucker questioned the minimum house size.

The applicant stated that the homes would exceed minimum for the zoning. He is planning to do the building in the future, not now.

Commissioner Tucker said that 1,600 square feet is too small. 2,000 square feet is better.

Commissioner Mahoney said that these homes will be 2,100 to 3,000 square feet in size due to the area.

Commissioner Mahoney restated his motion recommending transmittal from SE to LDR and rezone from R-1a and the northern tier to R-1AAA, with 1,600 square feet minimum house size.

Commissioner Dorworth seconded the motion.

The motion passed by a vote of 4 – 1. Commissioner Tucker was opposed.

I. Mikler/Red Bug PCD; CPH Engineers, Inc., Javier E. Omana, applicant; approximately 55.6 acres; Large Scale Land Use Amendment from LDR (Low Density Residential) and PD (Planned Development) to PD (Planned Development) and rezoning from A-1 (Agriculture) and PCD (Planned Commercial Development District) to PCD (Planned Commercial Development District); located immediately south of the intersection of Red Bug Lake Road and Slavia Road, east side of Mikler Road and approximately 0.3 mile west of the Central Florida GreeneWay (Z2002-010 / 02F.FLU01)

Commissioner Maloy - District 1

Tony Matthews, Principal Planner

Mr. Matthews stated that the applicant proposes to develop a 290,000 square foot retail commercial center which will include a 230,000 square foot Wal-Mart Supercenter and 60,000 square feet of additional retail commercial uses on approximately 55.3 acres. The site will incorporate four (4) commercial properties currently designated as Planned Development and zoned PCD (Planned Commercial Development District) and a 2.4 acre park. Mr. Matthews stated that the staff recommendation was for denial of the proposed large scale plan amendment from LDR (Low Density Residential) and PD (Planned Development) to PD (Planned Development) and associated rezoning from A-1 (Agriculture) and PCD (Planned Commercial Development District) to PCD (Planned Commercial Development District).

Mr. Matthews stated that the recommendation for denial was based findings that:

1. The community/regional scale of development, as proposed, would not represent an appropriate transitional use adjacent to Low Density Residential future land use;
2. The proposed use is incompatible with recent development trends toward single family residential uses south of the site;
3. Development intensity is not limited and designed to serve the needs of the immediate neighborhoods but more of a regional nature;
4. Development is not located where commercial uses are the predominant existing use along the roadway in both directions from the site and, therefore, the proposed commercial development does not represent infill development;
5. Development is located adjacent to residential areas where compatibility with the residential area cannot be maintained in order to preserve neighborhood viability and community character; and

6. The proposed use is inconsistent with Plan policies identified at this time.

Mr. Matthews stated that Comprehensive Policy FLU 2.4 provides that commercial uses shall be located at the intersection of arterial and collector roadway intersections and not set a precedent for further strip development. Although this site is located at an arterial (Red Bug Lake Road) and collector (Slavia Road) intersection, staff believes that due to the intensity and magnitude of the proposed Wal-Mart development, this use would be better suited at the intersection of arterial roadways where commercial and retail uses are the dominant use in both directions along roadways.

Regarding strip commercial development, the Seminole County Comprehensive Plan (Vision 2020 Plan) characterizes strip commercial as relatively small and narrow parcels; frequent curb cuts and lack of coordinated access; and lack of coordinated parking between commercial uses. Based on this definition, the applicant's request, as proposed, would not represent strip commercial development.

Mr. Matthews stated that previous Board decisions have allowed for limited retail commercial development (i.e., the C.A. Stone PCD) along Red Bug Lake Road, west of the Oviedo Marketplace PUD. The applicant's request, as proposed, would provide for unlimited large scale development at this location. Staff believes that commercial development at this scale would eliminate future requests for smaller, strip commercial development.

In addition, Mr. Matthews stated that staff also believes that the proposed use could be a compatible transitional use with adjacent development, with the application of more stringent development conditions that address landscaping, buffers, setbacks, building design, furnishings, amenities, etc., superior to those currently proposed by the applicant.

Mr. Matthews stated that this item is scheduled for August 12, 2003 at 7:00 P.M. for the BCC.

Hal Kantor, P.A., stated that comprehensive plans have policies and objectives that can be used for acceptance and denial. Determination of compatibility is considered on a case by case basis.

Peter Sutch of CPH Engineers stated that they have made the project consistent with the area in terms of site design, traffic patterns and compatibility with surrounding uses.

Mr. Sutch stated that a traffic analysis had been submitted with 3 density patterns examined, projecting through the year 2020. The project will meet concurrency requirements when it opens.

He stated that in July of 2002 there was a proposal for 474 multi-family units here, but it was too intense. It was recommended for denial by the LPA/P&Z and pulled from the BCC.

On October 18, 2002 the project was resubmitted with 52 single family units included rather than the multi-family uses. A gas station was moved to the corner near Summer Club Apartments. The geotechnical survey of the site reflects unsuitable materials on the site. The plan was then pulled. The new plan has changed. A pond has been designed: 17 acres of lake. The Stone PCD has been kept. The park was moved to the SW corner of the site plan to provide for recreational use.

Mr. Sutch said that this will be a regional shopping center. The market is the same as that of the Target store in the area. Mr. Such stated that Wal-Mart is opening several stores in the area, and the market area for this one is the surrounding community, a local draw.

Mr. Sutch stated that on the west is the Stone PCD with office or bank uses and a restaurant. Apartments abut the property. He stated that the store has been angled to align its parking lot with the apartment complex's parking lot. He is providing 50 foot buffering (100 feet total with the drainage included). He will have a 3 to 5 foot berm. A 6 foot masonry wall will be on top of the berm. 3 inch canopy trees will be placed at 25 foot intervals, making a 9 to 11 foot buffer in all. He stated that he has incorporated elements of site design and buffering. The Park will have a restroom kiosk and room for 2.5 acres of fields. The lake also serves as a buffer. The buffer along Mikler Road and Red Bug Road. There will be 25 foot buffers on out lots. We will finish the site with a 13 to 15 foot grade change from Red Bug Lake Road. Architectural design will not be the typical blue and gray building. The objective is to fit in to the area. The park may be a park with a tot lot and rest room kiosk. Sidewalks will be along Mikler Road. They will put a signal on Mikler Road and provide intersection improvements. There will also be landscaping and buffering at the entrance.

Alfred Lockyer stated that he always shops at Wal-Mart, and this will be a convenience.

Kim Metrick stated that there was a lack of options for shopping in the area. The concessions made on this center are great.

George Grizzard pointed out the danger of the apex of the curve of Red Bug Lake Road. Traffic cannot see the light. He asked for special consideration of the traffic report.

Lisa Dvore stated that crime is clustered around Wal-Mart. She questioned why this is not a DRI. She stated that the Avalon neighborhood is vehemently opposed to the Waterford Lakes Wal-Mart.

Mervyn Warner represented the Tuskawilla Home Owners Association. He stated that Oviedo had voted out Wal-Mart at the 426 and Red Bug Road location. On August 6, 2002 he had written to the BCC. He said that the corridor along Red Bug Lake Road is predominantly residential. Seminole County has the obligation to keep things there from getting worse. This will add another light. There is another Wal-Mart nearby.

Rich Gibson stated Oviedo is a jewel of a community and he is opposed.

Shirley Rubens said that traffic is very bad and she cannot get in or out of Tuska Ridge now. She also is concerned for the gopher tortoise community in the area. There is nothing of this intensity in the area now. This will only add to the congestion.

Hester Zuccardi had concerns with light, noise, increased traffic, wildlife displacement, and the fact that Slavia Road was a two lane road. The County should concentrate on creating better jobs. There will be a rise in crime with Wal-Mart.

Susan Kostrinos stated that she does not mind driving the 3.5 miles to the nearest Wal-Mart now. None is needed here.

Michael Kimladi said that there have been several tragedies on the roads in this area. Wal-Mart will create traffic. We still do not have a solution to the traffic on 436 and Red Bug Lake Road. There are lights on Dodd and Tuskawilla Roads. Also lights at Albertsons Center, Citrus Road, Mikler Road, and Slavia. We do not need more traffic and lights in this area. Tuskawilla wants quality. It needs small businesses.

Greg Pryor of 1478 Thornhill Circle represented 18 subdivisions in the area. He is opposed to this proposal. His coalition started in 1998 to keep the Red Bug corridor residential. He does not oppose the conversion of the 4 commercial out parcels. He requested a recommendation for denial.

Make Kraus, a registered engineer who lives in the area of the request, stated that this request does not fit in with the area. The area to the west of Slavia Road is the cut off point for commercial development.

Jane Seman of the Fowler Law Firm, stated that neighborhood commercial was to be allowed. Objectives and policies support such injections. The County will be built out by 2020, and infill parcels will be converted to residential use. She requested that this item not be transmitted.

Mr. Kantor stated that this is not a DRI. This land is appropriate for this use. It is good for transmittal.

The public hearing was now closed.

Commissioner Mahoney asked Mr. Kryer why the Wal-Mart on the east end of Red Bug Lake Road was all right, and this one would not be.

Mr. Kryer said that this project is 10 times the size of the other one.

Commissioner Tucker asked how the outparcels effect the buffers.

Mr. Matthews said that active passive buffers are required. Gopher tortoises would be addressed at the time of final engineering. The Stone parcel has design restrictions.

Commissioner Mahoney made a motion to recommend non-transmittal and to deny rezoning.

Commissioner Peltz seconded the motion.

In discussion Commissioner Mahoney stated that this use is too intense here. He is not opposed to Wal-Mart, but 300,000 square feet is too intense.

Commissioner Hattaway stated that she is not opposed to Wal-Mart. This is a buffer piece, a transitional area. 1,000 parking spaces are not acceptable.

The vote was 5 – 0 to recommend denial and non-transmittal.

Commissioner Mahoney asked Dianne Kramer for further help in her comments in interpreting the school impacts.

Dianne Kramer explained that portables were a good indicator of capacity. The state had just reduced the capacity from last year by 20 percent. The county tries to keep the figures low. She will try to give comparisons within the county.

The meeting was now adjourned by unanimous consent at 9:45 P.M.

**MINUTES OF THE SEMINOLE COUNTY
LPA/P&Z COMMISSION
JULY 23, 2003
6:00 P.M.**

Members present: Ben Tucker, Beth Hattaway, Thomas Mahoney, Dudley Bates, Chris Dorworth, and Alan Peltz

Absent: Richard Harris

Also present: Matt West, Planning Manager, Don Fisher, Director of Planning and Development Division, Karen Consalo, Assistant County Attorney, Tony Matthews, Principal Planner, Dick Boyer, Senior Planner, and Candace Lindlaw-Hudson, Sr. Staff Assistant.

The meeting was called to order at 6:05 P.M. A quorum was established. The Chairman reviewed for the audience the manner in which the meeting was to be conducted.

Matt West, Planning Manager, asked that item D, the Joint Planning agreement with the City of Sanford, be pulled from the agenda. This was done without objection.

Also, it was requested that the Deep Lake request be continued until the August 6, 2003 meeting.

Commissioner Mahoney made a motion to continue the Deep Lake item until the August 6, 2003 meeting.

Commissioner Bates seconded the motion.

The motion passed with unanimous approval (5-0).

A. LAKE JESUP WOODS; Harling Locklin & Assoc./Hugh Harling; 81 acres; Large Scale Comprehensive Plan Amendment from Suburban Estates (SE) to Low Density Residential (LDR); (01F.FLU01); Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); south of Myrtle Steet, north of Cadillac Street, and east of Hester Avenue. (PZ01-09)

Commissioner McLain - District 5
Tony Walter, Principal Planner

Tony Walters introduced Lake Jesup Woods application. He stated that this item was heard in February of 2002, previously requesting to be rezoned from A-1

(Agriculture) to R-1AA (Single Family Residential) zoning and a change in Future Land Use from Suburban Estates to Low Density Residential classification. The application is now changed to A-1 zoning requesting a change to PUD (Planned Unit Development).

On April 9, 2002, the Board of County Commissioners (BCC) voted unanimously to transmit the large scale land use amendment from Suburban Estates to Low Density Residential to the Florida Department of Community Affairs (DCA) for review, with the 9 conditions, one being the rezoning of the property to PUD (Planned Unity Development), detailed in the Executive Summary. On June 28, 2002, the Florida Department of Community Affairs issued an Objections, Recommendation, and Comments Report (ORC) regarding this particular land use amendment recommending the proposed amendment not be adopted prior to the applicant addressing the comments detailed in the Executive Summary and the Myrtle Street Special Area Study being completed. To date the wetlands delineation has been made but is still open for public comment period and has not been certified by the St. John's River Water Management District (SJRWMD). The applicant has addressed the Florida DCA ORC report comments but there are several inconsistencies with the PUD Plan that need to be classified. The preliminary master plan does not include minimum lot size and minimum lot width and transitioning to half acre lots on the east boundary. The preliminary mast plan does not demonstrate how the plan implements conservation village concepts and the preservation of sensitive lands to support the requested increase in density.

Mr. Walters stated that the staff recommendation was for this item to be continued to the fall cycle or be denied.

There were no questions from the Board at this time.

Hugh Harling introduced the configuration of the property. There is no flood prone area on the property. There are other such areas nearby, but not on this property. This plan has 117 lots and a larger buffer area. In lieu of larger lots, larger buffering has been provided. There is a community trail system which cuts over to Hester Road. It is not to be a trailhead for the County. Density is 2.2 per acre.

Mr. Harling showed pictures of the dense wetlands on the property. One feature of the property is a 10 foot deep ditch, dug in the 1930's, which runs north to south on the property.

Mr. Harling stated that the community wanted a provision of a circular entrance, with a safe configuration for a school bus stop.

Mr. Harling stated that if he can get an easement by the Autumn Chase subdivision, he will make a pedestrian trail to avoid going onto Myrtle Street. He

will preserve .33 acre of wetlands to make up for the loss of wetlands due to the road. He could move the road. This project will have trails and pedestrian opportunities. It will have a minimum of streets which will be curved, with staggered placement of houses. One side of the house and the adjacent house will have 5 foot setbacks, and then there will be increased setbacks on every other house to save trees.

This plan has reduced density. The ditch which runs north to south on the property is plugged at the Myrtle Street end.

Danny DeCirian of Silk Tree Circle, Autumn Chase said that he would like to commend the developer. As President of the North Lake Jesup Community Group, he requested that this item be continued until the completion of the Myrtle Street Special Area Study Phase 3 be completed in September. He is concerned with the larger Lake Jesup community.

Shepard Burr of 2030 Palm Way is an officer of the North Lake Jesup Community, Inc., with 120 members from a broad range of the community. Their mission is to support the rural character of the North Lake Jesup area. He is opposed to the change from Suburban Estates.

Robert Jasmine of 1153 Myrtle Street thanked Mr. Harling for trying, but he stated that the goal of Phase 3 will have more open spaces for drainage. He stated that Mr. Harling's diagram looked like a regular subdivision. He thinks that it should be more like the conservation area concept. Mr. Jasmine stated that he would like to see this project either denied or continued to the fall cycle, after the Phase 3 study is completed.

Debra Shafer of 1740 Bromley Road, Chuluota, wants to second the ideas of Mr. Jasmine. She stated that this is a fragile area and that the matter should be put off until studies are done.

Alex Dickerson of 4851 Hester Avenue said that everything is not resolved. This is a prime drainage area. Local residents want to try something different here. He is concerned with a possible engineering crisis in the future with the drainage in the area.

Mr. Harling stated that the owner has spent \$85,000.00 in studying the drainage in the area. There will be opportunities to change. He requested to move this item forward to the BCC.

Commissioner Mahoney asked about the lot size.

Mr. Walter stated that the smallest size was 50 feet by 125 feet.

Commissioner Mahoney stated that this plan is getting closer to one that he can support. He stated that the Board has just gotten this and that the commissioners do not know enough yet. Staff has not yet completed analysis.

Commissioner Mahoney made a motion to continue this application to the Fall Cycle.

Commissioner Peltz seconded the motion.

Commissioner Mahoney stated that he is concerned with the closeness of the road to Autumn Chase. There needs to be adequate buffering. He would like to see reduced density, and also more open spaces.

The motion passed unanimously (6-0).

Technical Review Items

Item D was removed from the agenda at the opening of the meeting.

- B. Magnolia Pointe Preliminary Subdivision Plan; Mag Development Co;** Approximately 7.75 acres; Preliminary Subdivision approval for 20 lots; Single Family Residence, zoned R-1AA; 786 Lake Hayes Road. (03-05500013)

Commissioner Maloy – District 1
Denny Gibbs, Planner

Denny Gibbs presented the preliminary subdivision plan for the Magnolia Pointe Subdivision. She stated that drainage issues in the area would be addressed at the time of final site plan approval.

Commissioner Mahoney made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed by unanimous consent (6 –0).

- C. AK Business Center Expansion Trail Crossing;** Cross Seminole Trail Corridor crossing for AK Business Center Expansion on property located on the northwest side of SR 426 (Aloma Avenue), abutting the Central Florida GreeneWay, containing approximately 14 acres.

Commissioner Maloy - District 1
Tony Matthews, Principal Planner

Mr. Matthews introduced the item stating that the applicant is requesting approval of two trail crossings over the Cross Seminole Trail for the AK Business Center

Expansion. The proposed 63 foot and 15 foot easements will allow for vehicles and utilities to pass between the existing and new portions of the business center. The property is located on the northwest side of SR 426 (Aloma Avenue) and abuts the Central Florida GreeneWay.

Mr. Matthews stated that staff recommendation was for the recommendation to execute the attached letter finding the proposed 63 foot and 15 foot easements consistent with the Seminole County Comprehensive Plan, with staff findings:

1. The existing 20 foot easement is not sufficient to accommodate vehicular access and utility installation for the proposed business expansion.
2. The proposed 63 foot easement will provide vehicular access and utility installation to the proposed expansion.
3. The proposed 15 foot easement is needed to provide a looped water system as required by the Seminole County Utilities Department.
4. Any existing easements must be vacated prior to granting of any new easements.

Commissioner Mahoney asked why the 63 foot width was necessary.

Mr. Matthews stated that it was for utility and vehicular access.

Commissioner Tucker observed that this business center had come before the Board previously, and that the 20 foot access had been noted as being undersized at that time.

Mr. Matthews said that he had not been present and did not know of previous comments on that issue.

Commissioner Tucker then inquired about Camp Road and to the north, about 100 yards north of this facility.

David Martin, from the Engineering Office, spoke next. He stated that the property in question was owned by the Florida Department of Transportation for a maintenance facility, and that it lies on either side of the trail corridor.

Commissioner Mahoney questioned the location of the existing development on the map.

Mr. Matthews indicated using the diagrams where the access was located.

Commissioner Mahoney made a motion to recommend the chairman execute the attached letter finding the proposed 62 foot easement and 20 foot

easement consistent with the Seminole County Comprehensive Plan, with staff findings.

Commissioner Bates seconded the motion.

The motion passed by unanimous consent (6 – 0).

Item D had been removed from the agenda at the opening of the meeting.

PUBLIC HEARINGS

E. Capital Improvements Element: Seminole County, Applicant: Annual Update Of The County's Five Year Capital Facilities Program. (03F.TXT01)

County Wide
Dick Boyer, Senior Planner

Mr. Boyer stated that the Exhibits section of the Capital Improvements Element of the Comprehensive Plan (Plan) is updated annually to incorporate those projects of the County's five year Capital Improvements Program which enable implementation of Plan goals, objectives and policies. The update also evaluates each capital facility's capacity to provide the adopted level of service to existing and projected users within the five-year planning period.

The amendment presented to the Land Planning Agency/Planning and Zoning Commission (LPS/P&Z) and at the first hearing to the Board of County Commissioners reflects the proposed budget items for the next fiscal year (FY 2003/04). Once the new fiscal year's budget has been adopted in September, the list of capital projects will be revised to reflect the adopted budget and include previously approved projects. The updated amendment proposal will be presented for adoption in November or December of this year.

Mr. Boyer reviewed amendments covered in his handout and transportation notes. He stated that staff recommends the proposed Capital Improvements Element amendment to the Exhibits section.

There were no questions at this time.

The public hearing was now closed.

There were no questions from the Board.

Commissioner Mahoney made a motion to recommend adoption of the CIE as amended with the handout tonight.

Commissioner Bates seconded the motion.

The motion passed by unanimous consent (6-0).

F. Conservation Village, Seminole County, Applicant; Update of Issue FLU 7, Special Area Plans and Evaluation and Appraisal Report Amendments and add Policy FLU 9.3 Special Area Plans to include Myrtle Street Study Area Conservation Village Development Concept.

County Wide
Tony Walter, Principal Planner

Mr. Walter introduced the item by stating that at the March 11, 2003 Board of County Commissioners meeting staff was instructed to pursue implementation of the Conservation Village Design Concept for the Myrtle Street Special Study Area. Staff was also directed to proceed with Phase III of the Study to coincide with the upcoming schedule for Vision 2020 Comprehensive Plan amendments. The Phase III Myrtle Street Study is currently underway.

The purpose of the Phase III Study is to identify and prepare needed amendments to Seminole County's Vision 2020 Comprehensive Growth Management Plan to incorporate policies supportive of the "conservation village" development and design concepts identified in Phase II. Phase III will also involve preparation of new or amended ordinance provisions in the Seminole County Land Development Code and the evaluation of possible incentive approaches to facilitate implementation of the concept.

Mr. Walter stated that the Phase III activities will be conducted to coincide with the County's upcoming schedule for consideration of Vision 2020 Comprehensive Plan amendments in the Fall 2003 amendment cycle and conclude with adoption in December, 2003. The results of Phase III will be presented to the LPA/P&Z later this summer.

Mr. Walter said that to begin the plan amendment process, staff has prepared a proposed draft text amendment to update Issue FLU 7, Special Area Plans and Evaluation and Appraisal Report Amendments and a new Policy FLU 9.3, Myrtle Street Study Area Conservation Village Development Concept to add to Objective FLU 9, Specific Area Plans for LPA/P&Z consideration and recommendation to the Board of County Commissioners.

Commissioner Mahoney asked the purpose of FLU 7. What are we trying to accomplish by adding that to the Comprehensive Plan?

Mr. Walter stated that it is to address efficiency in development.

Commissioner Mahoney stated that he saw no purpose in creating a history of what we had done previously in the Comprehensive Plan.

No one had questions from the public.

The public hearing portion of the meeting was now closed.

Commissioner Mahoney asked about density in the conservation village concept.

Mr. Walter stated that density is not addressed in the concept. It may be added later on.

Robert King stated that this concept should be promoted.

Robert Jasmine stated that Commissioner McLain asked him in October of 2001 to form a steering committee. The committee wants to remain suburban estates at one unit per acre. There is a need to work out who will be paying for things like the \$22.5 million price tag for storm water improvement in this area in phase 3. Mr. Jasmine stated that the committee thinks the concept can work at one unit per acre. There may not be enough land to work this out, however. He hopes that this can be passed on.

Debra Shafer of 1740 Bromley Road stated that this concept can be used in several areas of the county. We must address density. She asked to have this passed forward.

Hugh Harling stated that there is definitely a market for smaller lots. It is good to provide variety in lot size. Sameness does not provide value. Density influences ability to deliver services to an area. The Conservation Village will save wild life and provide for drainage. The Code and Public Works are the biggest challenge to developers today. Standards have shifted. Smaller road systems should be able to be designed. Exceptions to current requirements would help.

Don Fisher stated that Mr. Walter will be presenting this concept to the Board of County Commissioners.

Commissioner Tucker asked if the concept would be applied throughout the county with slight modifications.

Mr. Fisher stated that this concept will help to point out areas to be preserved on a property under development and for preservation of open space.

Commissioner Mahoney stated that the Board of County Commissioners had already directed the execution of Phase 3. He wanted to add that density should be addressed early. Density is necessary to have services delivered.

Don Fisher stated that financial feasibility is part of the Phase 3 consideration.

Commissioner Hattaway asked about exceptions being provided in this element.

Mr. Fisher stated that exceptions will be recommended as part of the Conservation Village Element.

Commissioner Mahoney made a motion to recommend to the BCC that they adopt Policy FLU 9.3.

Commissioner Peltz seconded the motion.

The motion passed by unanimous consent (6 – 0).

Commissioner Mahoney made a motion to recommend to the BCC that they not adopt FLU 7.

Commissioner Dorworth seconded the motion.

Commissioner Bates pointed out that the difference was only the addition of a few words.

Commissioner Mahoney withdrew his motion.

Commissioner Peltz made a motion to recommend approval of FLU 7.

Commissioner Bates seconded the motion.

Commissioner Mahoney stated that he objected and would be voting “no.”

The motion passed by a vote of 5 – 1.

G. Vihlen Road Rezone; Robert Dollard, applicant; 4.02 acres; Rezone from A-1 and R-1A to all R-1A; located on the east side of Vihlen Road, ½ mile north of CR-46A (Z2003-021)

Commissioner McLain – District 5
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant, Robert Dollard, requests approval of R-1A zoning on a 4.02-acre site on Vihlen Road north of CR 46-A. Located in the Low Density Residential future land use designation, the property is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning (i.e., not PUD), the application is subject to the lot compatibility analysis required under Ordinance 98-53. This analysis supports a zoning classification of R-1AA. Mr. Hopper stated that staff

recommendation was for approval of the requested R-1A classification per the staff report.

Robert Dollard stated that there are three homes on the property now. The small home on the front will be demolished. The houses on the northwest and southeast corner will be repaired. A small neighborhood of houses will be better than what is there now. The oak trees will be preserved on the site as much as possible. He wants to have lots sold individually, with different builders.

Sid Vihlen of 520 Vihlen Road stated that he was in opposition. He is not opposed to development here. However, R-1A is not compatible to the area. The area was developed years ago with ½ to 5 acre lots. The average lot is 1.62 acres. There are 2,700 square foot houses in the area. There are no more areas to be developed nearby. The R-1A Ravena Park subdivision is isolated from Vihlen Road. Lots have been built out and buffered for many years. The development to the north is Kays Landing. This is being planned. The entrance will be at the other end of Vihlen Road. He suggests that R-1AAA is better here. He requests that this be denied.

Terry Salzberg of 378 S. Country Club Road spoke on behalf of his parents who own adjacent property off of Tall Tree Lane. They are concerned about the easement road to the south.

Sharon Carter of 3214 Tall Tree Lane said that she lives across from the site and is not opposed to development. She is concerned with the drainage problem in the area. This property in question is 1.5 feet lower than her property. The properties would have to be hooked up to central water and sewer. R-1A is too intense. R-1AAA is more compatible. She would like to see a natural vegetative buffer rather than the wall.

In rebuttal, Mr. Dollard said that Tall Tree Lane cannot be used for access. No trees will be touched in the buffers. The front on Vihlen Road is all that would be seen. The County has stated that they must have sewers and water.

Commissioner Tucker questioned the paving of the road.

Mr. Vihlen said that the staking in the area was done by Kays Landing.

Commissioner Mahoney stated that keeping trees on a property under development is a very difficult thing. Each lot must be designed to drain in a certain way. Trees are taken off because of drainage. He also believes that R-1A is too intense for the area. Vihlen Road is not an R-1A neighborhood. He cannot recommend R-1A.

Commissioner Mahoney made a motion to recommend denial of R-1A zoning. We could support R-1AA zoning.

Commissioner Hattaway seconded the motion.

Commissioner Tucker reviewed the criteria for R-1A. His concern is for the house size.

Commissioner Mahoney stated that the old houses on the site will probably have to go. R-1AAA will probably be achieved here in house size. No one builds 1,300 square foot houses in an area like this.

Matt West noted that the eastern 170 feet of the site has R-1A zoning.

Commissioner Mahoney stated that the intent of his motion is that the entire site should be R-1AA zoning.

The motion passed by unanimous consent.

H. Florida Conference Association of Seventh-Day Adventists; Glatting, Jackson, et al / John H. Percy, applicant; 5.09 acres; Small Scale Land Use Amendment from PUB (Public) to Commercial; located on the northwest corner of West Lake Brantley Road and SR 436. (Z2003-020, 07.03SS.01)

Commissioner Van Der Weide – District 3
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant requests a Small Scale Land Use Amendment from Public to Commercial on a 5-acre site adjacent to the Forest Lake Academy property at the intersection of West Lake Brantley Road and SR 436. The existing zoning of C-2 is inconsistent with the future land use designation assigned by the Vision 2020 Plan. State law requires consistency between zoning and the Comprehensive Plan. Staff recommends approval of the request per the staff report.

John Percy stated that he agreed with the staff report and asked for a recommendation of approval.

There were no questions or comments on the item.

Commissioner Mahoney made a motion to recommend approval as per the conditions of the staff report.

Commissioner Peltz seconded the motion.

The motion passed by unanimous consent (6 - 0).

I. **Tallman Mews; Jay Barfield, applicant;** 5.10 acres; rezone from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District). Located 0.4 mile west of Tuskawilla Road, on the north side of Gabriella Lane. (Z2003-022).

Commissioner Maloy – District 1
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant, Jay Barfield, requests approval of R-1AAA zoning on a 5.1-acre site on Gabriella Lane, west of Tuskawilla Road. Located in the Low Density Residential future land use designation, the property is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning (i.e., not PUD), the application is subject to the lot compatibility analysis required under Ordinance 98-53. This analysis supports the requested zoning classification of R-1AAA. Staff recommends approval of the request for rezoning from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District).

Jay Barfield stated that he is going to develop 8 lots. He will not be affecting traffic in any appreciable way. He plans an upscale neighborhood, not a subdivision. There is a pond on the property of .7 acres. Drainage runs toward the pond. There are over 200 trees on the property. The requested zoning gives flexibility in lot size to save trees. He will swale the lots and preserve the existing trees.

Commissioner Mahoney asked about house size.

Mr. Barfield said that the houses would be 2,500 to 4,000 square feet. The requirements are the same.

Commissioner Mahoney asked if Mr. Barfield would consider agreeing to a minimum house size.

Mr. Barfield said that 2,200 square feet would be a good minimum size.

Ray Saunders spoke on the history of the land. He stated that he had owned the land for 30 years. It had been an orange grove. He had cleared the land when the trees died off and replanted new trees and expanded the pond.

Hugh Harling spoke for Mr. Barfield. He stated that Mr. Barfield intends on saving trees on the site. He urged support for the project.

Karen Weaver of 4212 Gabriella Lane owns adjacent property and stated that there is much wild life on the site. She rides her horse in the area and is concerned with auto traffic and increased density changing the rural character of the area.

Gary Lonston of 4353 Steve Terrace, Kings Cove, spoke next. He wanted to know what the eastern boundary of the property was. He was concerned about the easement. Would this easement be the access to the 8 houses?

Bob Karns of 4361 Steve Terrace was concerned about the value of his home being effected and the preservation of the trees on the property.

Matt Illardi spoke about his major concerns on compatibility. RC-1 estates would be more compatible. The trend is for suburban estates here. There are 17 homes in the area. 14 of the homeowners oppose the proposed density. One acre lots are not objectionable. The Comprehensive Plan talks about protection to the homeowner.

Kings Cove and Autumn Glen are not part of this neighborhood.

Dennis Weaver had concerns for the environment. Fewer homes being built there would be better.

Frank Carbon of 4265 Gabriella Lane is also concerned with the compatibility of this density. He stated that the Comprehensive Plan wants to preserve wild life and endangered species. He is President of the Bear Gully Lake Association. Bear Gully Lake is a fragile 125 acres. This project could cause runoff into the lake. He urged the consideration of one home per acre for density here.

Donna Ryan of 4150 Gabriella Lane has a 5 acre parcel near the site. She opposes the rezoning.

Nick Helia of 4111 Gabriella Lane also opposes the increased density and rezoning.

Mark Jacobsen of 4320 Gabriella Lane said that he supports one acre lots in the area.

Mike Bibowitz of 4399 Gabriella Lane said that he also wanted one acre lots here.

In rebuttal, Mr. Barfield stated that his request is reasonable. There is a 15 foot easement on the east side of the property.

The public hearing was now closed.

Commissioner Mahoney stated that he can generally support a rezoning that is not too far from the local norm. A better solution is R-1AAA with 7 lots – 2 lots per net developable acre.

Commissioner Mahoney made a motion to recommend approval of R-1AAA zoning with 2,200 square foot houses and 7 lots maximum.

Commissioner Dorworth seconded the motion.

The motion passed by a vote of 5 – 1. Commissioner Peltz voted “no.”

- J. **Deep Lake PUD**; **Ronald Henson II, applicant**; Major Revision to PUD Preliminary Master Plan for the development of mixed residential and commercial uses; approximately 18.66 acres located on the south side of SR 426, and the west side of Deep Lake Road (Z2002-008).

Commissioner Maloy - District 1
Jeffrey Hopper, Senior Planner

This item was continued to the August 6, 2003 meeting at the beginning of the meeting.

(SECTION ONE)

- K. **CELERY AVENUE ADMINISTRATIVE LARGE SCALE COMPREHENSIVE PLAN AMENDMENT SEMINOLE COUNTY**; Administrative Large Scale Comprehensive Plan Amendment From Suburban Estates (SE) To Low Density Residential (LDR); Located On The North And South Sides Of Celery Avenue From The Sanford City Limits On The West To A Point West Of Cameron Avenue. 02F.ADM01 (Z2002-017)

(SECTION TWO)

Celery Avenue Administrative Large Scale Comprehensive Plan Amendment; **Seminole County**; Administrative Large Scale Comprehensive Plan Amendment From Suburban Estates (SE) To Mixed Development (MXD); Located South Of Celery Avenue, Between SR 415 And Approximately 1373 Feet West Of Cameron Avenue 02F.ADM01 (Z2002-017)

Commissioner McLain - District 5
Matthew West, Planning Manager

Mr. West stated that this is an administrative land use amendment. In June 2002, the Board of County Commissioners directed the planning staff to process two administrative land use amendments for the Celery Avenue Corridor Area. The first area, known as Section One, comprising approximately 538 acres, is an administrative land use amendment request from Suburban Estates to Low Density Residential. The remaining 94 acres, known as Section Two, is an administrative land use amendment request from Suburban Estates to Mixed Development.

During the Fall 2001 Large Scale Land Use Amendment Cycle, Planning Staff processed an administrative land use amendment, but the Board of County Commissioners chose not to transmit the request to the Department of Community Affairs for review. Since that time, the City of Sanford has approved two single family residential subdivisions, which will permit up to 600 new homes in the area. Additionally, the City of Sanford has planned over \$45 million in sewer and potable water upgrades and improvements and anticipates installing a new lift station to expand capacity in the Celery Avenue Corridor area.

Mr. West stated that staff recommends the transmittal to the Florida Department of Community Affairs of the administrative land use amendment from Suburban Estates to Low Density Residential for review. However, Planning Staff does not recommend approval of the Low Density Residential land use until a financially feasible plan or funding mechanism is established for roadway improvements to Celery, Beardall, and Brisson Avenues prior to the final adoption of the land use amendment, with findings that the Low Density Residential land use, as proposed would be:

1. Consistent with Vision 2020 Plan policies related to the Low Density Residential land use designation; and
2. Consistent with adjacent Suburban Estates land use; and
3. Appropriate transitional use at this location; and
4. Consistent with the development trends for the development of single family residential subdivisions along the Celery Avenue Corridor within the City of Sanford; and
5. The proposed Low Density Residential land use represents an orderly progression from developed areas in the west to the east; and
6. Consistent with Vision 2020 Plan policies identified at this time.

Staff recommends the transmittal to the Florida Department of Community Affairs of the administrative land use amendment from Suburban Estates to Mixed Development for review. However, Planning Staff does not recommend approval of the Mixed Use Development land use until a financially feasible plan or funding mechanism is established for roadway improvements to Celery, Beardall, Brisson, and North Cameron Avenues with findings that the Mixed Use Development, as proposed, would be:

1. Consistent with Vision 2020 Plan policies related to the Mixed Use Development land use designation; and
2. Consistent with adjacent Suburban Estates, Low Density Residential, and Industrial land uses; and
3. Appropriate transitional use at this location; and
4. Consistent with Plan policies identified at this time.

Mr. West concluded by adding that staff recommends that prior to the adoption of the administrative land use amendments, the County, in conjunction with the City of Sanford, adopt a Joint Planning Agreement with the following conditions:

1. A zoning overlay for the Celery Avenue Corridor is created and caps the residential density within Section One at 3 dwelling units per net buildable acres;
2. Require central water and sewer services for developments with an intensity greater than one dwelling unit/net buildable acre;
3. Develop a financially feasible plan or funding source for roadway improvements to Brisson, Beardall, Celery, and North Cameron Avenues.

Mr. West said that the City and the County had a joint planning agreement, which has expired. This agreement will be progressing. The City has agreed to 3 dwelling units per acre in this area. This will cut in half the present density trends in the area. This is why we are recommending transmission of this land use amendment, pending the Joint Planning Agreement being brought forth.

Residents don't want more than one dwelling unit per acre. The BCC does not object to voluntary annexations. There will be an overlay of standards for the Celery Avenue corridor. Russ Gibson of Sanford will be working with us on this.

We will work with the community to see what they want there, holding a series of public meetings for input.

In Area 2, the city wants to cap development at 6 dwelling units per acre. The I.F. A.S. property between Brisson and Sipes Avenues, south of Celery Avenue has a potential for retention. The Club 2 borrow pit is almost done,

CPH Engineering is studying the area and will be making recommendations.

Commissioner Tucker asked about the traffic level of the road now.

Mr. West said it was at level A now according to Traffic Engineering. It is projected that by the year 2020 it will be at level F. There is a good grid system there now.

Commissioner Hattaway asked about the minimum square footage in the two development Mr. West mentioned in his presentation.

Mr. West said that the minimum lot size is 60 feet by 115 feet, with 1,500 square foot minimum house size. The second development has 6,000 square foot lots.

David Tewilleger of 4220 Chickasaw Drive stated that he is concerned about the quality of life in the area. There are many substandard roads in the area. He said that he wanted to see more upscale housing in the area. Area 1 should be

extended past Cameron Avenue past SR 415. He is opposed to increased density in Area 2. He stated that he would like to participate in any future discussions with the public on the area.

Janet Grimshaw of Chickasaw Drive in Indian Mound Village is concerned with the fragile river environment, drainage issues in the area, and historical sensitivity to the area. One unit per acre density here is best.

Becky Meisel was concerned about speeding and traffic in the area. She was also concerned with drainage in the area. She is also concerned with school bus safety.

School Board comments by Dianne Kramer indicated that "This proposed change, in combination with the other residential approvals in this area, could have a major impact on the school system... especially at the elementary school level. The same schools listed under item V A serve this area. Without additional development information, the expected number of additional students cannot be calculated, but the density caps appear to permit over 2,000 units, which could fill an elementary school. It would be appropriate to reserve an elementary school site (15 acres) in this area. "

Ken MacIntosh of Indian Mound Village stated that he has made 10 appearances before the boards to address this consideration. He stated that there are areas of ambiguity between sections of the JPA. The agreement could run out prior to 2013. He recommends denial. This is a private interest driven issue. In the past this board has recommended disapproval. Nothing has changed.

Commissioner Tucker asked about concurrency in the area.

Mr. West stated that concurrency covers roads, not schools. Furthermore, stop signs will not deter speeding in the area roads. Bus stops can be designed into the overlay area. Parkland cannot be required to be donated. The Joint Planning Agreement was pulled by the County Manager due to concerns about language concerning annexation.

Commissioner Hattaway stated that the county is not in the same condition that existed two years ago. The land is going into intense development.

Commissioner Bates said that there was nothing to stop the development. We have regressed. We need some kind of control.

Commissioner Mahoney made a motion to recommend adoption of the Land Use Amendment to Low Density Residential with the conditions staff enumerated, with a cap of 3 dwelling units per net buildable acre in area one and to 6 dwelling units per net buildable acre in Area 2. Secondly, require central water and sewer, and third, the City of Sanford will assume

maintenance of Celery Avenue through the adoption of a separate agreement.

Commissioner Peltz seconded the motion.

Commissioner Hattaway stated concern about the Joint Planning Agreement running out.

Commissioner Mahoney stated that the most important thing was getting the agreement.

Commissioner Tucker expressed concerns about the needs of the area and stated that he would not support this.

The motion passed by a vote of 5 to 1. Commissioner Tucker voted “no.”

Commissioner Mahoney requested of staff that a discussion of the orange zoning chart with setbacks and minimum house sizes be scheduled for the September meeting.

PLANNING MANAGER’S REPORT

Mr. West reported that Hester Avenue was rezoned to PUD with a maximum of 40 units. Also, on the W. Lake Brantley rezone application, the applicant was required to put up a wall.

There being no further business, the meeting was adjourned at 11:05 by unanimous consent.

**MINUTES FOR THE SEMINOLE COUNTY
LPA / P&Z COMMISSION
AUGUST 6, 2003**

Members present: Alan Peltz, Dick Harris, Ben Tucker, Beth Hattaway, and Dudley Bates

Members absent: Thomas Mahoney, Chris Dorworth

Also present: Jeff Hopper, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, J.V. Torregrosa, Planner, Jim Potter, Development Review, Mahmoud Najda, Development Review Manager, Karen Consalo, Assistant County Attorney, J.R. Ball, Development Review, Don Fisher, Director of Planning and Development, Gary Rudolph, Utilities Manager and Candace Lindlaw-Hudson, Senior Staff Assistant.

OLD BUSINESS

A. Rockwell; John F. Rinehart / Glatting, Jackson, et al, applicant; 51.4 Acres; Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development); and Rezone from A-1 (Agriculture) to PUD (Planned Unit Development); located on Long Pond Road 0.6 mile east of Markham Woods Road, adjacent to west side of I-4 (03F.FLU02 and Z2003-011).

Continued from July 9, 2003, per the applicant's request

Commissioner McLain - District 5

Jeff Hopper, Senior Planner

Jeff Hopper stated that the applicant requests a change in future land use designation from Suburban Estates (SE) to Planned Development (PD) to accommodate 117 single family homes on a 51-acre site. At a net density of approximately 2.6 units per net buildable acre, the project is described as a "traditional neighborhood development" with front porches, alleys and large open space areas. Typical lot sizes are 45 feet by 130 feet and 75 feet by 145 feet.

Development to the north includes an assisted living facility, an apartment complex, and commercial/office uses within the Oakmonte PUD. To the south and west are single family residential developments at densities of 1 unit per acre or less. The site adjoins the Seminole-Wekiva Trail on the west.

Mr. Hopper stated that due to significant differences in density between the proposed development and existing residential uses to the south and west, and lack of access through the Oakmonte PUD (to the north), lack of transition of lot sizes between the existing neighborhood and the proposed lots, staff recommends denial of the request.

In reviewing development trends in the area Mr. Hopper stated that development to the west and south of the subject property is predominantly single family in nature at densities not exceeding 1 unit per acre. Historically the area has been viewed as a neighborhood of large-lot estates, with proposals for higher densities rejected as being out of character. Development to the north of the proposed Rockwell site consists of a cluster of commercial and other higher intensity uses centered on the I-4 interchange at Lake Mary Boulevard. The Oakmonte PUD represents a gradient of intensity, beginning with commercial and office tracts adjacent to the major thoroughfares on the north and east, and transitioning to multi-family and other, lower-impact nonresidential uses to the south and west. Included in this complex of uses is the ITT Business Training Facility and the Oakmonte Senior Village at the south end of the PUD. Approved with a 6-foot wall along the south property line, the Senior Village has been viewed as the southern extremity of urban uses into the Markham Woods area. Access through the Senior Village is prohibited by the PUD Development Order for Oakmonte.

Access to the subject property is via Long Pond Road, a local street. However, level of service information is available for Markham Woods Road, the Collector road serving the area. Existing level of service is "A", adopted LOS standard is "E" + 20%. Markham Woods Road is a policy-constrained roadway and will remain a 2-lane road indefinitely.

The subject property is within the Seminole County water and sewer service area. Water, sewer service and reclaimed water are currently available to the site.

Based upon an initial evaluation of compatibility, the proposed Planned Development land use would not be in keeping with future land use designations on adjoining properties to the west and south. Approval of the proposal on this site would introduce a residential development at a density of 2.6 dwelling units per acre which is a pattern not typical of the neighborhoods along Long Pond Road. In concept, the Rockwell proposal could function as a transitional use in relation to multi-family and nonresidential uses to the north. However, there would be no physical connection with adjoining development in Oakmonte PUD, as road access is not available in that direction. Access to the subject property is limited to Long Pond Road, connecting to Markham Woods Road, effectively making the project a close neighbor of the Suburban Estates areas to the west and south. Although buffering is proposed adjacent to these areas, the project's density of 2.6 units per net buildable acre is significantly higher and not comparable with the established residential development around it. The proposed lots are smaller in size than adjacent lots. These lots are clustered on the western portion of the property closer to the larger lots rather than being located closer to Interstate 4.

Staff recommends denial of the request due to significant differences in density between the proposed development and existing residential uses to the south

and west, and lack of access through the Oakmonte PUD, and lack of transition of lot sizes between the existing neighborhood and the proposed lots.

John Rinehart of Glatting, Jackson spoke next. He stated that this is a complicated project which has been under development for 1.5 years. He requests transmittal of the application. Mr. Rinehart said that this project is 51 acres located south of Lake Mary Boulevard, adjacent to I-4. It is surrounded by already developed land. Mr. Rinehart stated that he feels this project will succeed because of its superior community design; it is an infill site; and it makes efficient use of services on an urban level.

Mr. Rinehart quoted from the Seminole County Vision 2020 plan which states: "When infill development is proposed, the public hearings are usually intense because the idea of infill inherently involves existing adjacent development. The infill site is generally expensive as compared to property located in fringe areas of urban development and, therefore, the proposed development is usually more dense or intense than the existing development. Buffers between existing and proposed uses are becoming important both in practical terms and in the minds of residents of existing neighborhoods. Without proven standards for buffers and other protections, the adjacent neighborhoods may object."

Mr. Rinehart stated that some communities succeed because of their traditional design and connectivity opportunities offered to the community in the inherent design of the neighborhood. Examples of such communities are Baldwin Park and Celebration.

Mr. Rinehart showed a compatibility radius on an aerial map. He reviewed the surrounding existing land uses and stated that he did not want to put up a sound wall as a buffer to the adjacent highway noise of I-4. To the north of this site is an area of 11 dwelling units per acre. He is proposing 2.6 dwelling units per acre. This 51 acre site is less than ½ developable. To the west is 7 acres of open space. He will substitute a natural buffer to I-4. The site will have stormwater retention and three internal parks which will front on houses.

The applicant stated he is willing to commit to a minimum house size of 2,300 feet. He is negotiating with Morrison Homes to build traditional homes here. Mr. Rinehart showed pictures of a variety of traditional house styles which could be represented in the community.

In summary, he stated that this infill site project will preserve over 40% of open space using a superior community design which provides transitions to other communities. It will use central water and sewer.

No one spoke in favor of the project from the audience.

Paul Lyons of 36 Stone Gate South has property located to the north and west of the property. Mr. Lyons submitted a petition with 69 adjacent homeowners objecting to this project. When he bought his property this land was designated to be one acre in minimum lot size. He wants the designation to stay that way.

Joseph Breig of 26 Stone Gate South stated that the apartments in the area already provide transition. He wants one dwelling unit per acre, not four.

Eric Duncan of 5 Stone Gate North stated that he moved to the area because of one acre lots. This will bring in at least 240 cars to the road. He is worried about traffic on local roads. He is also concerned about the devaluation of his home.

Robert Cushman of 27 Stone Gate North stated that the original intention of PUD zoning was to permit clustering. Higher intensity is now being used in PUDs. Mr. Cushman is the developer of Ravensbrook. He has been there since 1968. He stated that there are a number of developments in the area with low density. This is a water recharge area; this project belongs somewhere else. Many people live in the area because of the country estate lifestyle. This is not a place for PUD zoning.

George Calvi of 23 Stone Gate North stated that he has lived in the area for 10 years. He came to the neighborhood because of the lifestyle. He feels threatened by the lack of democracy in this process. The one acre estates have been there for 30 years. Traffic on Markham Woods Road is bad. It is a 2 lane road. It has been said that the road will never be widened. He asks the Board to please respect the commitment of the people to the area.

Nigel Bradley of 1586 Rebecca Place lives on the corner of Long Pond Road and Markham Woods Road in a 17 acre tract. It is a 7 minute drive to the houses on the other side of I-4 which were included in Mr. Rinehart's map circle. That area is not part of this neighborhood. With condensed housing, Long Pond Road will be overrun. There are no sidewalks in the area. There is no traffic light to get cars onto Markham Woods Road. The area of the intersection of Long Pond and Markham Woods Road is on a slight rise. It is dangerous for traffic there. No buffers are needed to separate the commercial sites on the other side of I-4.

Debra Wert of 20 Stone Gate South said that when the Oakmont project was presented it looked like Southern plantation homes. That is not what was put there. For 30 years people in the area have fought to protect Markham Woods Road and the area. It is a desirable area in which to live. She requested to please keep the zoning one acre.

Thomas Connelly of 121 Orange Ridge Drive (off of Long Pond Road) said that the area does not have a linear road system. The idea of needing transitions is not realistic. A PUD should not imply higher density. He is opposed to any changes in zoning.

John Rinehart stated in rebuttal that the project has 2.6 dwelling units per net buildable acre and the price will start at \$325,000.00 dollars. The impact on Markham Woods Road, which is operating at level "A," is not appreciable. This will not be duplexes. Land use changes through time through prudent community choices as the community matures. He requests transmittal of the item.

Commissioner Harris stated that this property was once proposed to be used as a high school. Now we have fee simple single family residences next to fee simple single family residences. This will be like an old town, like Baldwin Park or Celebration. There is a demand for a sense of community. When he looks back at the arguments against now established communities, the clustering was fought by people on Markham Woods Road. Who would build a home on I-4? One must look ahead at the long range quality of community.

Commissioner Harris continued that the issue is: where does this fit in the overall needs of the community? If you do not want it, buy the land. As a community changes we see competing interests, sprawl vs. higher intensity. This will have little effect on your home values; there are many neighborhoods with a diversity of housing. There will be empty nesters here.

Commissioner Harris made a motion to recommend the Large Scale Land Use Amendment from SE (Suburban Estates) to PD (Planned Development) and rezone from A-1 (Agriculture) to PUD (Planned Unit Development).

The motion died for lack of a second.

Commissioner Hattaway stated that this is a lovely project with a good plan. Clustering of homesites and services is good. People in this area expect one acre home.

Commissioner Hattaway made a motion to recommend denial.

Commissioner Bates seconded the motion.

Commissioner Bates stated that this is a nice development. He works near Baldwin Park and sees it every day. He cannot support development because of the increase in intensity. He asks if this will improve the quality of life in the area. He questions Markham Woods Road being at service level "A." He supports denial of the request.

Commissioner Tucker stated that there are areas that should not be developed as single family residences near I-4. Future planning on the site will have to buffer as this plan does. He likes the plan, but it will affect the road.

The motion passed by a vote of 4 – 1. Mr. Harris voted "no."

B. Deep Lake PUD; Ronald Henson II, applicant; Major Revision to PUD Preliminary Master Plan for the development of mixed residential and commercial uses; approximately 18.66 acres located on the south side of SR 426, and the west side of Deep Lake Road (Z2002-008).

Continued from July 23, 2003, per the applicant's request

Commissioner Maloy - District 1

Jeffrey Hopper, Senior Planner

Chairman Tucker announced that the Deep Lake item had been requested for continuance.

Commissioner Harris made a motion to continue the item to the September 3, 2003 meeting.

Commissioner Bates seconded the motion.

The motion passed by a vote of 5 – 0.

NEW BUSINESS

C. Briefing relative to a proposed Seminole County Land Development Code Amendment; A proposed Land Development Code amendment relative to the timing of payment for the Fire and Rescue, Library and Transportation Impact Fees and Water and Sewer Connection fees.

Countywide – All BCC Districts

Ginny Markley, Program Manager Impact Fees and Concurrency

Ms. Markley gave a briefing regarding an amendment to the LDC and Code of Ordinances of Seminole County. She stated that earlier this year the Board of County Commissioners directed staff to research the possibility of changing the timing of payment of impact fees from the current code requirement which is at the time of the issuance of a building permit, to instead, collection of the fees at the time of the issuance of the Certificate of Occupancy. The Board asked staff to look at processes and come back to them with all the checks and balances. Staff did that, but found in testing that the processes work better if the fees are collected at the time of an application for a pre-power electrical inspection or when full electrical power is called in to the power company. It was found that there were just too many problems with collecting fees at the time of the issuance of a C.O. The biggest problem is that there are too many building permits, assessed impact fees, that do not receive certificates of occupancies but with just a few exceptions, all permits need electrical power inspections.

Ms. Markley stated that when reviewing processes, staff analyzed the collection of the road, library, fire/rescue, schools impact fees, developer commitment fees such

as law enforcement and drainage fees. We also studied the processes for the collection of the water and sewer connection fees and collection of the county impact fees imposed on properties located within the municipalities. When everything was finished, we went back to the BCC with a plan to change the timing of payment of impact fees for just the road, library, and fire/rescue impact fees, developer commitment fees such as law enforcement and drainage fees and the water and sewer connection fees. Staff excluded school impact fees due to problems that the change would cause to the planning of the School Board's capital programs. We also excluded properties located within the municipalities due to our inability to collect the fees once the permit is issued and also our inability to run reports that would monitor collection. Staff did agree to continue working on these processes and are working to find a solution in the future.

On May 27, 2003, the BCC directed staff to proceed with a change to the timing of payment for the road, library, and fire/rescue impact fees, developer commitment fees such as law enforcement and drainage fees and the water and sewer connection fees. Schools and municipalities were excluded. The BCC also directed staff to 1) implement the program by the beginning of the new fiscal year, October 1, 2003, 2) provide the BCC with a status report within six months of its implementation, and 3) continue to work with the municipalities to coordinate and enhance our impact fee processes.

The first step to the program's implementation is to amend the Ordinances, both the Land Development Code and the County Code of Ordinances. The proposed amendment to the Ordinances that was provided to you in your meeting package proposes to eliminate all reference to the payment as a condition to the issuance of a building permit for those specific fees recommended by staff and also authorizes the Board of County Commissioners to determine, by Resolution, the point or points in the development process when impact fees and water and sewer fees must be paid. Ms. Markley stated that the proposed Resolution that staff will present to the BCC at a public hearing this September will set the time of payment at the time of an application for a pre-power electrical inspection or when full electrical power is called to the power company. If adopted, staff plans to implement the process this October 1st 2003. This concluded the briefing.

Commissioner Tucker asked if there had been legislation that changed the way assessments were done for taxes prior to the Certificate of Occupancy being issued.

Ms. Markley stated that at one time it was believed that concurrency could be paid at the issuance of permits. That is not so. Fees can be collected up until the issuance of the certificate of occupancy.

Commissioner Tucker stated that if a house is partially constructed, it is assessed at partial value. We are now looking at putting impact fees on prior to selling the home.

Ms. Markley stated that it is a benefit to the builders to set the fees later in the process. Full power comes in prior to the Certificate of Occupancy.

Commissioner Tucker stated that vacant homes do not impact services. He asked if this is an improvement.

Ms. Markley stated that it is an improvement. The fees cannot be in error. They are computerized.

Commissioner Harris stated that the County is impacted by new construction prior to the collection of fees. What this is doing is unifying the process and eliminating the errors in fee collection.

Ms. Markley stated that impact fees are the actual connection fees for the dwelling itself.

D. Colonial Town Park PSP; Bowyer-Singleton & Associates/Mark Jacobson, applicant; approximately 175 acres; preliminary subdivision approval for 6 lots, zoned PUD; located on International Parkway & CR 46 A. (01-05500037)

Commissioner McLain – District 5
Michael Rumer, Planner

Mr. Rumer introduced the location of the subdivision stating that staff recommendation was for approval.

There were no questions from the Board.

Commissioner Harris made a motion to recommend approval of the preliminary subdivision plan.

Commissioner Hattaway seconded the motion.

The motion passed by unanimous approval.

E. Reclaimed Water Ordinance; An Ordinance amending the Land Development Code of Seminole County; amending definitions; requiring reclaimed water system connections; providing construction and design standards.

Countywide
Mahmoud R. Najda, P.E.

Mr. Najda stated that Seminole County had recently completed construction of the new Markham Regional Water Treatment Plant located on Orange Boulevard in unincorporated Seminole County. As part of the permitting requirements for the plant, St. Johns River Water Management District (SJRWMD) required Seminole County to adopt certain measures aimed at reducing the amount of potable water that will be withdrawn from the Floridian aquifer. This proposed ordinance will help reduce the use of potable water for irrigation purposes by requiring new development to construct and connect to a reclaimed water system, provided such a supply is available. A reclaimed system would be considered available if it lies within 1,250 feet of the site and is accessible through existing easements or rights of way. The ordinance will require new development to install dry lines for future connection to a reclaimed water system if the development will be served by a utility provider within ten years.

Mr. Najda stated that staff recommends approval of the adoption of the ordinance.

Mr. Najda stated that on page 4 of his report, Item C should read July 14, 2003, instead of June 3, 2003. The date change was necessary because of the need for further staff input on the matter.

Commissioner Harris asked about the dry lines and need for future connection.

Gary Rudolph, Utilities Manager, explained that dry lines would be installed to tie in with future reclaimed water lines if lines would be placed within a 10-year timeframe.

Commissioner Harris made a motion to recommend approval of the draft of the Reclaimed Water Ordinance, and find it in compliance with the Vision 2020 Comprehensive Growth Management Plan.

Commissioner Peltz seconded the motion.

The motion passed by a vote of 5 – 0.

PUBLIC HEARING ITEMS

F. Tuscawilla Centre; NAI Realvest Partners, Inc. / Paul Partyka, applicant; 1.8 Acres; rezone from OP to PCD for a restaurant; located on the east side of Tuscawilla Road 1/4 mile north of Red Bug Lake Road. (Z2003-014)

Commissioner Morris – District 2
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant is requesting approval of a PCD on a 1.8 acre site on the east side of Tuscawilla Road. Intended use of the property is a 150-seat

seafood restaurant in a 6,000 square foot building. The proposed site plan shows sufficient parking and landscaping, and, with a few exceptions, meets applicable regulations of the Land Development Code. The request includes waivers to certain Code provisions.

The applicant is requesting approval of a PCD on a 1.8 acre site on the east side of Tusawilla Road. Intended use of the property is a 150-seat seafood restaurant in a 6,000 square foot building. The proposed site plan shows sufficient parking and landscaping, and, with a few exceptions, meets applicable regulations of the Land Development Code.

A Low Density Residential (LDR) land use designation on neighboring property to the north nominally triggers the active/passive buffer requirement of the Land Development Code. However, the existing use of that adjacent site is a veterinary clinic, Tusawilla Oaks Animal Hospital, which was permitted by Special Exception in the A-1 zoning district. Because of the commercial nature of the existing use, the normal buffer requirement should be reduced.

The restaurant proposal includes a full-service bar, although the majority of the facility's revenue would be generated by food sales. The site is not within 1,000 feet of a church or school. The Code also provides for separation distances of 500 feet from the entrance to the facility, and 100 feet from the closest vertical surface of the building, to property having a residential zoning or land use designation. Mr. Hopper said that the site location and submitted site plan do not meet these requirements in relation to the veterinary clinic property to the north. However, the subject property is 500 feet from developed residential property, assuming that residents of Tusawilla Point to the west make use of legal pedestrian crossings.

Preliminary research by staff indicates that the neighboring lot to the north is still in the A-1 Agricultural district, despite being shown on available zoning maps as R-1AA. Mr. Hopper stated that although staff will continue investigating this zoning discrepancy, the active/passive buffer and residential separation requirements apply because of the future land use designation of the animal hospital site. Any or all of these requirements may be waived or reduced by the Board of County Commissioners through the PCD approval.

Staff recommendation was for approval with the following conditions:

- a. The structure shall be set back a minimum of 50 feet from the north property line.
- b. A minimum 5-foot buffer shall be provided along the north property line, including a 6-foot brick or masonry wall.
- c. The site shall be limited to C-1 district permitted uses, but shall include alcoholic beverage sales within a bona fide restaurant as defined in Section 30.1353 of the Land Development Code. If a use other than a

- restaurant is proposed, a major amendment to the PCD may be required.
- d. Hours of operation shall be 11 a.m. – midnight Sunday through Thursday, and 11 a.m. -1 a.m. Friday and Saturday.
 - e. Outdoor seating shall be provided only on the west and south sides of the building.
 - f. Retention pond shall be amenitized per Section 30.1344 of the Land Development Code. This shall be determined at Final Site Plan review.
 - g. Outdoor lighting fixtures shall be limited to shoebox-cutoff style fixtures not more than 16 feet in height, projecting no more than 0.5 foot-candles at property lines..
 - h. The architectural style of the building shall be compatible with residential. Elevations shall be provided at Final Master Plan.
 - i. Building height shall be limited to a maximum of 35 feet.
 - j. Applicant shall provide paved pedestrian paths connecting the building to public sidewalks on Tuskawilla Road.
 - k. Delivery times shall be limited to 9:00 a.m. to 9:00 p.m.

Paul Partyka, applicant, stated that this site plan gives proper landscaping and more trees than are necessary by Code. He agrees to a wall for noise abatement. He is concerned for the neighbors. The nearest home is 600 feet away, across the retention pond. He supports staff comments and his client will agree to a wall or burm. He would like to bring in a restaurant here. Mr. Partyka showed a series of photos of buildings in the area.

Commissioner Hattaway asked if there were any pictures of the area to the west.

Mr. Partyka said no, that the area to the west was conservation.

Commissioner Harris asked about the lights from the cars entering the business at night shining across the retention pond to the houses on the other side.

Mr. Partyka stated that there would be buffering.

Commissioner Peltz asked about the access drive in front of Arby's Restaurant.

Mr. Partyka stated that the access driveway to Arby's stops at the end of that property.

No one spoke from the floor in favor of the application.

Dr. Alex G. Suero spoke in opposition. Hw stated that he wrote a letter on July 27, 2003. He is concerned about the 5 foot setback from his clinic. He has animals housed on that side of the building and he is concerned that they will be disturbed by noises from the proposed parking lot and that the animals would become aroused at

night by the activity outside. He thought that the zoning would be OP (Office Professional). This proposed use will be open too late. He wants a wall and increased setbacks.

Mr. Partyka stated that he wants to be a good neighbor.

Commissioner Peltz asked Mr. Partyka if he could agree to a 20 foot buffer on the north.

Mr. Partyka stated that he would consider a wall, but that he needed the 5 foot setback to fulfill parking requirements on the site.

Commissioner Hattaway asked about the outdoor seating. Seating on the west is not good. There should only be seating outdoors on the south side of the site.

Commissioner Tucker suggested that the restaurant could use silent reminder equipment in lieu of loudspeakers to call people in to their tables.

The public hearing was now closed.

Commissioner Tucker asked Matt West and Don Fisher if this was the same area Mr. Vihlen had made an application for 13 years ago for a vet clinic. The veterinary clinic at that time was required to have been soundproofed.

Mr. Fisher stated that this is a transitional use between the commercial veterinary clinic and the residential zoning. A 5 foot non-residential to non-residential zoning setback was allowed for parking. The buffer can be 7 feet with a 2 foot overhang on 18 feet parking spaces (in lieu of 20 feet). Typically buffering is best achieved with a 6 foot masonry wall.

Commissioner Tucker asked if the Board had ever precluded outdoor amplification of sound before.

Mr. Fisher said that the Board had done so in the past.

Commissioner Bates made a motion to recommend approval as per the conditions in the development order, including no exterior amplification of sound and no exterior seating on the west side of the building.

Commissioner Hattaway seconded the motion.

The motion passed by a vote of 4 – 1. Commissioner Peltz voted “no.”

G. SR 426/Chapman Road Walgreens; Preston Bolt, applicant; approximately 5.1 acres, Major Amendment to a PCD (Planned Commercial Development);

located on the southwest corner of State Road 426 and Chapman Road. (Z2003-023)

Commissioner Maloy – District 1
Cathleen Consoli, Senior Planner

Ms. Consoli stated that the applicant, Preston Bolt, of Chapman 426 Development, LLC, is requesting to amend the Planned Commercial Development (PCD) formally known as Polystar Industries to include commercial uses for a proposed Walgreens Pharmacy. The property was rezoned in 1998 to PCD with industrial uses, permitted through the Preliminary Master Plan and Development Order. A Final Master Plan and Developers Commitment Agreement (DCA) have not been submitted for this development as previously approved. At this time, the applicant is proposing to revise the approved preliminary master plan and change the uses permitted on the site to uses found in the C-2 (Commercial Retail District) rather than the M-1A (Very Light Industrial District) uses as depicted on the 1998 preliminary master plan. An amendment to the Development Order is to replace the word "Walgreens" with "pharmacy."

Staff recommendation is for approval of the request based on staff findings and conditions placed on development included in the staff report. Staff recommends APPROVAL of the requested PCD Major Amendment subject to the following conditions:

1. Building setbacks shall be
 - Front (SR 426 and Chapman Road) – 25 feet
 - West property line – 10 feet
 - South property line – 10 feet
 - Internal lots – 5 feet
2. Landscape buffers shall be:
 - Front (SR 426 and Chapman Road) – 10 feet
 - West property line – 5 feet
 - South property line – 5 feet
 - Internal lots – 5 feet
3. Permitted uses are those permitted and conditional uses found in the C-2 zoning district plus self service gasoline pumps as an accessory use, restaurants and drive in banks. However, the following uses are prohibited: adult entertainment establishments and alcoholic beverage establishments including bars and cocktail lounges, new and used car lots, hotels and motels, flea markets, self service laundries, veterinary kennels or clinics, dry cleaning plants, bottling and distribution plants and boat sales or boat service facilities;
4. Alcoholic beverage sales may only be incidental in nature such as convenience stores or bona fide restaurant uses;
5. Restaurants may only operate between the hours 7a.m. until 11p.m. Sunday through Thursday, and 7a.m. until 1 a.m. on Fridays and Saturdays;

6. Deliveries may only be received between the hours of 7a.m. and 9p.m.;
7. The Walgreens site may be open 24 hours a day, seven days a week;
8. The site shall provide 30 percent open space;
9. A 5 foot sidewalk shall be constructed along Chapman Road the entire length of the parcel;
10. Only one access point to the subject property is permitted to cross the Cross Seminole Trail. Said access point shall be located at the pre-existing trail crossing location;
11. A 10 foot buffer is required adjacent to the trail corridor on the east property line with 4 canopy trees and 4 under story trees per every 100 linear feet;
12. Gas canopies shall have recessed lighting so that lighting fixtures shall not be visible below the horizontal plane of the canopy;

Final Master Plan shall adhere to all applicable requirements of the Land Development Code and Vision 2020 Plan.

Meredith Pickens of Shutts and Bowen stated that a prior owner had made a zoning change that showed industrial uses. This PCD will have retail commercial uses. The one consideration was the middle access point. Others use the access road shown on the diagram to the right of the site. The applicant can "live with" the one access point as indicated by Staff. The next step is a final site plan and developer's commitment agreement.

There were no questions from the Board at this time.

Ms. Jo Goodman lives on the corner of Chapman Road and SR 426. She stated that in the widening of 426 her driveway was moved and that such action caused a funneling effect in which the water from the road runs onto her property. She wants the drainage in the area to be fixed. Also, light from headlights on the proposed site should be buffered adjacent to the north property line.

Ms. Pickens said that the applicants will have to meet all St. John's River Water Management District standards and that lighting will be addressed at the time of final master plan approval.

Commissioner Tucker asked if Ms. Pickens would change the road.

Ms. Pickens stated that the applicants will meet all criteria of the Land Development Code.

Bill Tipton III of Tipton & Associates stated that they will construct an urban road which will meet all of St. John's River Water Management criteria.

Commissioner Harris made a motion to recommend approval of the application with the conditions listed in the staff report, including the

condition to provide an opaque landscape buffer along the northern property line to limit headlight intrusion to existing buildings.

Commissioner Peltz seconded the motion.

The motion passed by a vote of 5 – 0.

H. Seminole Wekiva Trailhead; (Mandell Property;) Seminole County applicant; approximately 8.9 acres; Administrative Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District); located on the west side of I-4 approximately 600 feet south of E.E. Williamson Road (08-03SS.08 and Z2003-028)

Commissioner Van Der Weide - District 3
Cathleen Consoli, Senior Planner

The Seminole County BCC requests a Small Scale Land Use Amendment from Suburban Estates (SE) to Planned Development (PD) and Rezone from A-1 (Agriculture District) to PUD (Planned Unit Development District) for property located west of Interstate 4 and east of the Seminole Wekiva Trail, south of E.E. Williamson Road.

On June 24, 2003, the Board directed staff to proceed with the negotiation of a contract to purchase these 8.9 acres to locate a trailhead, process a Billboard Agreement and process an administrative land use amendment and rezoning. Please see attached Agenda Memorandum for details. The site currently accommodates five (5) Outdoor Advertising Signs. The proposed Billboard Agreement will result in the removal of three (3) signs, the reconstruction of the northern most sign to a multi-vision sign, and the southern most sign will remain. For this activity to take place, the Florida Statutes states that the land use for billboard property must be Industrial or Commercial. The proposed Planned Development land use restricts activity on the site to the following uses: Seminole Wekiva Trailhead, Outdoor Advertising Signs, and retention. The proposed PUD zoning will allow these uses and provide for access and retention. A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities. This amendment will allow a trailhead facility for the Seminole Wekiva Trail and reduce the number of Outdoor Advertising signs. Additional information regarding lighting, buffers, setbacks and facilities on site are required prior to Final master Plan approval.

Ms. Consoli stated that staff recommendation was for recommendation of approval with the following conditions:

1. The only permitted uses are Seminole Wekiva Trailhead and its accessory uses, retention areas and two (2) Outdoor Advertising signs; and

2. Vacation of right of way for Toula Way; and
3. The final Master Plan shall provide buffering to the west of the project, building setbacks, architectural style of proposed structures, proposed signage for the site, appropriate lighting design, and landscaping; and
4. Development shall comply with all applicable requirements of the Seminole County Land Development Code and the Vision 2020 Plan.

Spencer Phelps of 25 Bayridge Court said that he was in favor of this project.

Nancy Seigrist represented the Homeowners Association of Fern Drive. She has concerns that the land will be used as a trailhead only. 100 parking spaces could impact the property on Markham Woods Road. She wanted to know if traffic impacts have been considered.

Danny Bower owns a parcel to the south of the site and was concerned about access to his property if the trailhead is gated.

Commissioner Tucker inquired about an easement to his property.

Mr. Bower stated that he was not sure of an existing easement.

The public hearing was now closed.

Ms. Consoli stated that the property had not yet been purchased.

Cindy Matheny stated that the trailhead was not yet funded. This is the highest use for the property. It will mainly be used on weekends and will not contribute to traffic. As of now there is no legal parking in the area.

Commissioner Tucker said that this request will address the parking problem in the area.

Cindy Matheny stated that the only parking is on SR 434 near San Sebastian. This will serve the central part of the trail.

Don Fisher stated that the County has a survey of the property and that there is no easement for Mr. Bower to access his property. Mr. Fisher said that he will work with a neighbor to get access to the billboard on Mr. Bower's property.

Ms. Seigrist stated that 100 cars will have an impact on the area. She again asked for the parking lot to be limited in size.

Commissioner Peltz made a motion to recommend approval as written in the staff report.

Commissioner Bates seconded the motion.

The motion passed by a vote of 5 – 0.

I. Nissan Rezone; R & R Investments, LLC, William D. Ray Jr. – applicant; approximately 4.5 acres, Small Scale Land Use Amendment from Recreation (REC) to Industrial (IND) and Rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion; located approximately 550 feet west of North US 17-92 and approximately 1,100 feet north of Gen. Hutchison Parkway; (Z2003-026 and 08-03SS.07)

Commissioner Morris - District 2
Cathleen Consoli, Senior Planner

Ms. Consoli stated that the applicant, William Ray, Jr. requests a Small Scale Land Use Amendment from Recreation to Commercial and a rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) for car dealership expansion. The applicant wants to develop this 4.5 acre site to allow for additional parking and expansion of his facilities, Bill Ray Nissan, on North US 17-92. This application is a result of a proposed land exchange between the applicant and the County. On June 24, 2003, the Board of County Commissioners directed staff to proceed with this land exchange.

The C-3 zoning classification is needed to permit car repair on this portion of property. The Industrial land use allows for this zoning classification. The proposed land exchange will result in an increase of county owned land within the Spring Hammock Preserve. Approximately two thirds of the subject property are uplands which will allow Bill Ray Nissan to utilize it for additional parking and facilities. The applicant states that the expansion of his site is needed for the business to remain competitive in this location along the US 17-92 corridor. Buffers are required adjacent to the wetlands to protect the adjacent Spring Hammock Preserve.

This rezone and small scale land use amendment request is the first step in the process. The proposed parcel of land that will be part of the exchange is located along CR 419 in the Spring Hammock Preserve.

Ms. Consoli stated that staff recommendation was for a recommendation for approval as per the conditions outlined in the staff report.

Bill Ray stated that he has been doing business now for 27 years. He needs more storage space for his cars. The County wanted 15 to 16 acres of sensitive lands. He said that they traded; the property on Rt. 419 is across from a County park.

Sarah McClendon of 250 Spring Lake Hills Drive, Altamonte Springs, represents Friends of Environmental Study Center of Spring Hammock. She stated that this property is high and dry. It is one of the areas purchased in 1970 as

environmentally endangered land. The habitat is going to be lost forever. This is one of the highest elevations in the preserve. In order for the habitat to survive, a variety of elevations are necessary. This land acts as a greenbelt in the middle of the County. She stated that as time goes on such land only increases in value to the community. It has been preserved for 30 years and should only be used for recreation. Ms. McClendon requested the recommendation of denial.

Alli Jones of 104 Hidden Arbor Court, Sanford, supported Ms. McClendon's comments and questioned why this dealership could not move to the vacated Honda lot next door to the north.

Polly Miller of 121 Larkspur Drive, Altamonte Springs, spoke on behalf of the League of Women Voters of Seminole County. She stated that this is not the first time that she has appeared, but this is the first time that the County has wanted to rezone property that was acquired for preservation. The voters of the County have voted three times to allot money for the purchase of environmentally sensitive lands for preservation. To recommend the proposed penetration of the car dealership into precious hammock lands will kill voter confidence in County Referendum promises. Seminole League of Women Voters requests denial of this application.

Pat Burket of 1821 W. Carlton Street, Longwood, stated that the voters at the time of the referendum stated that Spring Hammock was one of the specific areas they wanted to preserve. She questioned the ownership of the land and requested denial.

Mr. Ray stated that the dealership next door was not available for his purchase. He said that the piece he was swapping was useful as a park for the County. The other parcel is not.

Commissioner Harris asked what the usable amount of land was, comparatively, between the two parcels.

Colleen Rotella, Community Resource Manager, stated that approximately 3 of the 4.5 acres are developable. The swap property is difficult to survey in the area of Soldier's Creek, which is why it is defined as being between 6 and 15 acres. There are at least 3 developable acres there.

Commissioner Harris stated that we would be exchanging approximately 4 acres for 7 acres.

Ms. Rotella concurred. She stated that this had been taken to the Natural Lands Advisory Council, which had recommended approval, but that the Advisory Council was concerned about establishing a bad precedent.

Commissioner Peltz asked how this could be done without having knowledge of the exact acreage.

Ms. Rotella stated that the County believes that there was a minimum of 6 acres on the property to be swapped. The owner believes that it is about 15 acres.

Commissioner Hattaway stated that Seminole County would not have clear title to the land.

Ms. Rotella stated that the County would do a special warranty deed over the area with quick claim. This is the final piece of land available in that area in the Spring Hammock area not owned by the County or the State. The difficulty in the area has been the shifting channel of Soldier's Creek. This will finalize the area for the County.

Commissioner Tucker stated that there had been concerns about having a large out parcel in the Hammock. This is the best of the compromises recommended. The other piece is commercial on two sides.

Commissioner Harris asked about the drainage on the parcel that was to be handled.

Ms. Consoli stated that a 25-foot average, 15-foot minimum undisturbed buffer from the jurisdictional wetland line would need to be provided. A conservation easement will be required to be placed over the wetlands and required buffers dedicated to Seminole County.

Commissioner Harris asked if any burms and catch basins were being required for run off, as had been done with Alauqua Lakes. That is a realistic restraint to be put on commercial development coming into natural lands.

Ms. Consoli stated that the site would meet all requirements of the Code.

Commissioner Harris addressed the needs of having higher constrains for run off on the area of preserve. The Code established minimum standards.

Commissioner Tucker said that the Board of County Commissioners would appreciate some guidance in that area when making their decision.

Jim Potter of Development Review stated that the impacts will be minimal. The parcel flows back toward 17-92, but the water quality would be protected.

Don Fisher stated that he will make recommendations which will bring the conditions up and beyond minimum standards of the Code.

Commissioner Harris made a motion to recommend approval of request for a Small Scale Land Use Amendment from Recreation to Industrial and rezone from A-1 (Agriculture District) to C-3 (General Commercial and Wholesale District) for Car Dealership Expansion, for approximately 4.5 acres, adding the additional stipulation that the discharge from this parcel go back into the same basin, meeting higher standards than basic Code requirements.

Commissioner Bates seconded the motion for discussion.

Commissioner Peltz stated that he was opposed to giving up any land. He did not think that this should be done without clear title on the other property.

Commissioner Hattaway asked if the County had given up land in the Hammock area before.

Ms. Rotella said no.

Commissioner Hattaway said that she hated to see it start. It should not come out of a public trust.

Commissioner Tucker stated that mitigation of land was a common occurrence. Elimination of outparcels is a major accomplishment. He will be voting with the motion.

Commissioner Peltz disagreed.

The vote was 3 to 2 in favor of the motion. Commissioner Peltz and Hattaway were opposed.

J. Seminole County BCC / North CR 427 site, Seminole County BCC – applicant; approximately 1.26 Acres; rezone from A-1 (Agriculture) to PLI(Public Lands and Institutions) south side of North CR 427,approximately 300 feet west of Hester Avenue; (Z2003-032).

Commissioner McLain - District 5
Cathleen Consoli - Senior Planner

In May of 2001, Seminole County granted a lease agreement to Kid's House of Seminole County on property located adjacent to the west of the subject property on North CR 427 (Ronald Regan Boulevard). Kid's House of Seminole County is a non-residential counseling center for children, which is funded by a variety of sources, including the Seminole County Sheriff's Office. Due to an increase in needed services, Kid's House wishes to expand its facility upon the adjacent property which is also County owned.

On July 22, 2003 the Board of County Commissioners directed staff to proceed with the administrative rezoning process for the subject parcel on which the expansion is proposed. Currently, it is zoned A-1. The proposed PLI zoning is the appropriate zoning for publicly owned land and the proposed use.

Staff recommendation was for approval of the request.

There were no questions from the Board or the audience.

Commissioner Peltz made a motion to recommend approval of the request.

Commissioner Hattaway seconded the motion.

The motion passed by a vote of 5 – 0.

K. Narcissus Project; Mellich Blenden Engineering/Steve Mellich; approximately 2.3 acres; rezone from A-1 (Agriculture) to PLI (Public Lands and Institutions); located on the north side of Narcissus Road, 700 feet west of Monroe Road (Z2003-031)

Commissioner McLain – District 5
J.V. Torregrosa - Planner

Mr. Torregrosa stated that the applicant, Steve Mellich, requests PLI approval for approximately 2.3 acres located on the north side of Narcissus Avenue approximately 700 feet west of Monroe Road to accommodate a social services facility. The subject property has an A-1 zoning classification. The land use for the property is HIP (Higher Intensity Planned Development) which allows the proposed PLI zoning classification. Staff recommends approval of the requested PLI zoning classification.

Lisa Simmons owns an adjacent parcel and inquired about permitted uses under the PLI zoning classification.

Mr. Torregrosa read the permitted uses from Chapter 30 of the Land Development Code.

The public hearing was now closed.

Commissioner Harris made a motion to recommend approval.

Commissioner Peltz seconded the motion.

The motion passed by a vote of 5 – 0.

L. Heathrow International Business Center PUD; Miranda Fitzgerald, applicant; rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development) and amendment to the PUD Final Master Plan and creation of the *First Amendment to the Third Amended and Restated Commitments, Classification, and District Description* (AKA Developer's Commitment Agreement) for the Heathrow International Business Center PUD. The property is generally located on the west side of I-4, immediately north of the I-4 and Lake Mary Boulevard Interchange, on properties extending north along International Parkway to CR 46A (portions also known as H.E. Thomas Jr., Parkway), containing approximately 188.8 acres, properties located in unincorporated Seminole County.

Commissioner McLain – District 5
Tony Matthews, Principal Planner

Tony Matthews stated that the applicant is requesting a rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) and amendment to the PUD Final Master Plan and Developer's Commitment Agreement for the Heathrow International Business Center PUD (HIBC PUD) to allow a community college campus and accompanying office space on Tract B of the HIBC. This PUD amendment will allow development of an 860 student campus with 14,000 square feet of office space. The proposed campus is expected to serve employees of the HIBC development businesses for continuing education. The proposed rezoning is consistent with the adopted future land use designation of Planned Development assigned to the property and does not change long range strategies or options.

Mr. Matthews stated that staff recommendation was for approval of the proposed rezoning from PUD (Planned Unit Development) to PUD (Planned Unit Development), First Amendment to Third Amended and Restated Commitments, Classification and District Description, and PUD Final Master Plan for the Heathrow International Business Center PUD, generally located on the west side of I-4, immediately north of the I-4 and Lake Mary Boulevard Interchange, on properties extending north along International Parkway to CR 46A with staff findings.

Commissioner Harris asked about the access. Is it on AAA Drive?

Mr. Matthews said that the access was on AAA Drive.

Miranda Fitzgerald spoke on behalf of Seminole Community College. She stated that there had been good cooperation between the applicant and the County on this project. This will be a high tech campus that will not be traditional. This should not be called a community college. It is referred to in the documents as a college/university. It will have 860 students and a 14,000 square foot office component. The applicant considers this a minor change and questions the need for full traffic concurrency. We are working on the language for the development order.

Cindy Crane of 820 Banana Lake Road asked about the placement of a wall around the project.

The public hearing was now closed.

Commissioner Hattaway stated that she will be voting on this item. She used to sit on the Board of Trustees of Seminole Community College, but she no longer does. She saw no reason to exclude herself at this time.

Commissioner Harris made a motion to recommend approval of the request with the amendment as noted in the staff report.

Commissioner Hattaway seconded the motion.

The motion passed with unanimous approval.

M. Seminole County, applicant; Amendments to the text of the Seminole County Comprehensive Plan (Vision 2020 Plan) to ensure compatible land uses on properties within unincorporated Seminole County adjacent to the Orlando Sanford International Airport (03.TXT04).

Commissioner McLain - District 5
Tony Matthews, Principal Planner

Mr. Matthews stated that in 2002, the Federal Aviation Administration approved the Noise Compatibility Program (NCP) for the Orlando Sanford International Airport (OSIA). The NCP included eight (8) recommended land use measures that would involve changes to the City of Sanford and Seminole County comprehensive plans and land development regulations. The purpose of these measures is to: (1) reduce existing incompatible land uses around the OSIA; (2) prevent the introduction of additional incompatible land uses; and (3) protect long-term noise compatibility with aircraft activity at the OSIA. The proposed text amendments will address these land use measures.

Mr. Matthews stated that staff recommendation was for approval of the proposed text amendments to the Seminole County Comprehensive Plan (Vision 2020 Plan) to ensure compatible land uses adjacent to the Orlando Sanford International Airport, with staff findings.

Commissioner Harris noted that the noise contour maps show a long pattern of 60 decibels going out to the west of the airport, but a larger area going out to the east.

Diane Crews stated that there was a reason for that. Most of the take offs are done from the east side. It is more heavily populated to the west.

Commissioner Hattaway questioned section D-1. If property is owned now, and is vacant, does it mean that the land can not be built on in the future?

Mr. Matthews stated that within the stated areas, residential uses are considered incompatible.

Matt West stated that where there is existing residential land uses it is permissible. This refers to rezoning lands in the future.

Commissioner Tucker asked if there is a waiver for noise.

Mr. West stated that properties will have avigation easements which will acknowledge that the property is under the approach pattern of the airport.

Mr. Matthews stated that the people would be waiving their rights.

Commissioner Hattaway asked if D-2 is for future requests.

Mr. Matthews said it was. It was for recommending denial for future rezonings in this area.

Commissioner Harris said that most of the area is within this scheme already.

Ms. Crews stated that in 1998 the FAA voted that they would not fund mitigation of unbuilt land.

Commissioner Harris made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed by unanimous consent.

There being no further business, the meeting adjourned at 10:54 P.M.